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A HEDGE AGAINST INFLATION

OUR individual lives and our governmental policies are disturbed by two great fears. We are afraid of another war on a world-wide scale fought with modern weapons; and we are afraid of inflation. We fear inflation not merely as a result of a general war, if it comes, but also as a result of our preparations for defense and our participation in the Korean war.

Our fear of inflation has displaced a fear of deflation and depression. Not long ago we were afraid that prices would collapse and that business would find it necessary to reduce output and employment. Now we are afraid that prices of the goods and services that we need will skyrocket.

These are not phantom fears. They are based on our memories and knowledge of past experiences. We all realize vividly the rapid inflation of prices at the close of World War II, and the preceding slower rise during our defense preparations and participation in the war. Most of us remember the depression of the nineteen-thirties, with millions of people out of work and millions more with degraded standards of living. Those of us who have some acquaintance with economic history know that in the past two centuries we have had several other cases of rapidly rising prices with economic disturbances and injustices resulting from them, and that we have also had many business depressions—some of them moderate, some very severe.

Communist theorists are right in their belief that inflation and depression are the great diseases to which capitalistic society is subject, that these diseases have not yet been conquered, and that if not conquered they will lead to the ruin of our economic

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system and its replacement by a totalitarian régime. But the Communists are not right in their belief that these diseases are an inevitable part of a competitive private enterprise economy. That belief is just as erroneous as the opinion, commonly held a few decades ago, that malaria is an irradicable disease of lowland or swampy areas.

The Cause of Inflation

In the past, inflation has frequently been associated with war, and depression has in some cases been associated with post-war adjustments in the economy, just as malaria was commonly associated with lowlands and swamps. However, there are so many exceptions to the association of inflation with war and of deflation with post-war adjustments that we must not regard war itself as the prime cause of business fluctuations, just as swamps are not the cause of malaria.

The real cause of inflation is an excessive growth of the circulating medium or money—bank deposits and currency—which is used in all business transactions. Likewise, the real cause of deflation is a contraction of the circulating medium, either in actual amount or relative to the moderate rate of growth which is needed in a dynamic economy. The frequent association of inflation with war is due to difficulties encountered in financing extraordinary government activities without an undue expansion of the circulating medium. Similarly, the occasional association of depression with post-war adjustments is due to successful efforts to reduce the circulating medium after it has been expanded.

Our medical and sanitary experts now know how to prevent malaria, though in some areas application of this knowledge may be difficult. Likewise, the nature of the monetary policies which must be adhered to if inflation and depression are to be avoided are understood by economists, though implementation of this knowledge is sometimes difficult. There is no more necessity or inevitability of inflation or depression than there is of an epidemic of malaria, yellow fever, or smallpox. But such epidemics are not avoided by doing nothing, and likewise inflation and depression will not be prevented by doing noth-

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ing. Specific programs of action based on knowledge of the underlying causes are necessary.

In wartime, it is the methods of government finance which expand the nation's circulating medium or money. To avoid inflation in wartime, government financing must be based on three principles: first, to meet as much as possible of wartime expenditures by taxes; second, to borrow from the banking system only to the extent that banks reduce other types of loans and investments plus such expansion of bank assets as is needed to provide a reasonable increase in the circulating medium; and third, to meet the remaining difference between government expenditures and taxes by borrowing from investors other than banks.

It is frequently said that the chief mistake in financing our participation in World Wars I and II was insufficient taxation. Undoubtedly it would have been better policy in both cases to have raised larger portions of the funds needed by the government by taxes, but this was not the major mistake in either case. The chief mistake was a vastly excessive amount of borrowing from the banking system. This also is the crucial policy problem in the present situation. How to solve this problem is the subject of this article.

Mistakes in War Financing

Before we undertake to outline a method of avoiding a repetition of our previous mistakes in war financing it will be helpful to describe more precisely the character of these mistakes and what part of the government was responsible for making them. We cannot pin-point this responsibility by placing it on any one individual, but we can see what parts of the government made the most crucial decisions and what alternative decisions would have been necessary to have avoided the mistakes.

Insofar as too much reliance was placed on borrowing because of insufficient taxation the responsibility was primarily that of Congress. Throughout our participation in World War II the President and other officials in the Executive Department of the government urged higher taxes but Congress did not enact

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them. But when tax policies had been established, administrative officials, chiefly those of the Treasury Department and the Federal Reserve System, made the decisions which determined how much of the money for meeting the deficit was borrowed from individuals and other nonbanking investors and how much was borrowed from the banking system.

From the middle of 1942 to the end of 1945, which was the period of heavy borrowing in World War II, the debt of the federal government increased by $202 billion. All of this increase was owed either to the banking system or to other investors. The increase to other investors was $107 billion, the increase to the banking system $95 billion. In computing these amounts the banking system is defined in the manner which is used in the computations of the circulating medium, or "deposits adjusted and currency", which are published each month in the *Federal Reserve Bulletin*. The banking system, in this definition, includes commercial and mutual savings banks, Federal Reserve banks, the postal savings system, and Treasury currency funds. The banking system provided 47 per cent, or nearly one half, of the entire amount of money that was borrowed by the government.

Too Much Borrowing from Banks

To compare the foregoing figures with the amounts which should have been borrowed from the banking system and from other investors respectively, in order to have avoided inflation, we need to estimate how much of the borrowing could reasonably have been obtained from the banking system. Such an estimate is not readily made with a fine degree of accuracy, and is more easily prepared by hindsight than while the war was being waged. Fortunately, it is not necessary to have close accuracy in order to develop appropriate policies.

My own estimate is that the banking system could have acquired about $20 billion of United States government obligations, without excessive deposit expansion, between the middle of 1942 and the end of 1945. This is made up of two elements: $10 billion representing a normal growth in the circulating medium, which is estimated at about 5 per cent a year; and $10 billion representing additional expansion needed because of

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the fact that our economy was not operating at capacity at the outbreak of war. We needed an expansion of output in excess of normal growth, and with it some addition to the money supply. This estimate assumes that with adequate restrictions on bank loans and investments other than government obligations the banking system could have made all needed wartime loans without expanding its total loans and investments. The record from mid-1942 to the end of 1945 shows an actual expansion in loans and investments other than government obligations of nearly $5 billion.

This $20 billion figure of the amount of government obligations that the banking system could have acquired during the two and one-half year period without producing inflation is $75 billion smaller than the expansion which actually occurred in the holdings of United States government obligations by the banking system. How could the acquisition of government obligations by the banking system have been limited to the smaller figure? To answer this question we need to look at the circumstances which dominantly influence the acquisition of assets by the banks.

Banks are a unique kind of business enterprise because of their ability to create circulating medium and thus to buy and pay for income-earning assets, such as government bonds, without parting with any other assets they own. This process of acquiring income-earning assets by expanding liabilities (deposits) on which no interest is paid is obviously profitable. Banks therefore have an inherent tendency to expand their assets to whatever limits are set by the laws and conditions under which they operate. In practice, the limit to this process of bank credit expansion is the amount of legal reserves of the banks, since they are required to maintain specified minimum ratios of reserves to their deposits. In practice also, the amount of their reserves depends on the scale of operations of the Federal Reserve banks, and this is determined by the decisions of the Federal Reserve authorities.

Consequently, the basic procedure which should have been followed during World War II was to have provided the banks with enough reserves, but not more, to enable them to expand their deposits by about $20 billion. Instead of this kind of

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policy, it was announced that the banks would be provided with all the reserves needed to buy such government obligations as were offered to the banks, and that there would be no deterrents in bank supervisory policy to bank purchases of government obligations. These announcements were accompanied by Treasury procedures regarding bond drives and interest rates which resulted in the offering to the banks—in part by the Treasury and in part by other investors—of huge amounts of government obligations. To illustrate how this worked out we may describe the experience from the First War Loan in December 1942 to the beginning of the Third War Loan in October 1943.

The goal of the First War Loan was $9 billion. This amount was designed to meet Treasury requirements for two months, with the next major financing tentatively scheduled for February. In the December drive nonbanking investors subscribed nearly $8 billion. These subscriptions, together with savings bond sales and government trust fund purchases during January, would have come within $1 billion of meeting the financing requirements of the government during the two-month period. The financing program could therefore have been met by allotting to banks in the December drive $1 billion and by calling for public subscriptions again in February. This procedure was not followed. Instead of limiting the sale of government securities to banks to the amount necessary to achieve the required amount, and making another drive at the time tentatively scheduled, allotments of $5 billion were made to commercial banks and the second drive postponed until April 1943. Moreover, during the three-month interval between the two drives, outstanding Treasury bills and certificates, which are sold chiefly to banks, were increased by $3 billion, thus raising to $8 billion the net sale of government obligations to the banks from the beginning of the First to the beginning of the Second War Loan. This was equal to the nonbanking subscriptions during the First War Loan. It meant the establishment of a practice of borrowing from the banks about the same amount as was borrowed from nonbanking investors.

In the Second War Loan, in April 1943, commercial banks

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were again allotted $5 billion, and other parts of the banking system acquired $2 billion, though subscriptions from nonbanking sources provided $12 billion out of the $13 billion sought. The amount sought, with continued sales of savings bonds and purchases by government trust funds, would have met financing requirements until July. The amount raised in the April drive, including the allotment to banks, was sufficient to meet requirements until August. However, the Third War Loan was postponed until September. This made it necessary for the Treasury to obtain about $6 billion through bills and certificates before the Third Loan. Again, the amount of Treasury securities sold to the banks during the period from the beginning of one war-loan period to the beginning of the next approximately equaled the amount of subscriptions received from nonbanking investors. This procedure was in effect a continuing decision to meet about half of the necessary borrowing by sheer monetary inflation.

My own opinion of this process, as stated in a memorandum written at the time, was as follows:

> The conclusion appears inescapable that the Treasury, by allotting a given amount of bonds to banks in each major financing drive and by postponing the dates of each successive financing with an accompanying large volume of interim financing by banks, is deliberately financing through banking sources a far larger proportion of the Government's borrowing needs than nonbanking subscriptions during the bond drives indicate is necessary.

There were six more war loan drives, including the Victory Loan in November and December 1945. In these loans no sales were made directly to commercial banks, but the policies followed produced the same effect of selling to the banking system, directly or indirectly, nearly as large a volume of government securities as was sold to nonbanking investors. From the beginning of the Third War Loan in October 1943 to the end of 1945, the Treasury increased its outstanding issues of bills, certificates and short-term notes by $32 billion and over four fifths of this amount was acquired by the banking system. In addition the banks offered nonbanking investors attractive prices for longer-term obligations. This was the result of the

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fact that the banks, by being promised all the reserves they might need as a result of acquisition of government obligations, were in effect urged by the Treasury to acquire from nonbanking investors all such obligations which were outstanding and which were not specifically ineligible for purchase by the banks. Nonbanking investors, in consequence, sold to the banks large amounts of intermediate and long-term bonds, both during and between the bond drives.

The fact is that the government pursued the inconsistent dual policy of stimulating the banks to purchase a huge amount of government obligations, limited only by denying the banks access to certain new issues, while at the same time attempting to finance as much of the deficit as possible by sale of bonds to nonbanking investors. The effort to sell savings bonds to individuals on the ground that this was helping to prevent wartime and post-war price inflation was offset by maintaining bank reserves and other conditions which encouraged the banks to acquire an unlimited amount of government obligations.

Defects in the "Market Basket" of Securities

Limitation of the amount of government obligations acquired by the banking system is the basic part of the problem of meeting a government deficit without undue expansion of the circulating medium. But it is not the whole problem. The other part of the problem is to induce individuals and business enterprises which have funds available for investment to put the maximum proportion of these funds into United States government obligations and therefore to minimize investments in other types of securities or property, and to induce individuals to use portions of their income that would normally be spent for consumption goods for the purchase of government obligations. There seems to be a prevailing belief among government officials, both in the Treasury and elsewhere, that this part of the borrowing program was well done. There was a great deal of pride in the variety of securities placed in the "market basket" offered to investors. However, in my opinion there were serious inadequacies in tailoring the terms of securities offered to the needs of investors.

The most serious defect in the "market basket" was the

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absence of a security adapted to the needs of business enterprises, small and large, which were accumulating cash under wartime conditions. Many business concerns, particularly in the merchandising and service industries, had declining inventories which could not be replaced and reduced labor costs relative to sales as employees went into military service or war industries. Such concerns needed a bond or note meeting the following three conditions: (a) conveniently purchasable at frequent intervals, (b) yielding a "reasonable" rate of income, and (c) salable or redeemable in the early post-war years. Savings bonds did not meet these conditions, because the amount which any one individual or firm could purchase was limited and because the yield was unreasonably low, almost negligible, if redeemed within two or three years. Short-term securities were available during bond drives or at other particular times, but purchase of them involved the nuisance of making a bid which might be accepted by the Treasury only in part. In addition, the ⅞ per cent offered on certificates and the 1¼ per cent on 3-year notes were too low a yield for individuals and enterprises accustomed to paying at least as much for short-term loans at their banks as for long-term mortgage loans. It did not compare well with 2½ per cent on 20-year bonds and 2.9 per cent on 10-year savings bonds held to maturity.

There is also a question of whether the wartime restrictions on special types of credit, such as consumer credit, were as effective as they might have been. Such restrictions, contrary to customary pronouncements as to their purpose, have no significant bearing on the degree of inflation, even though the restrictions prevent banks from making loans which would otherwise have been made. If government obligations are available for purchase by the banks, either from the Treasury or from non-banking investors, and the banks are provided with an unlimited amount of reserves for acquiring them, the banks will purchase the government obligations with newly created money and thereby produce the monetary expansion which is the basic cause of inflation. If, on the other hand, monetary expansion is prevented by appropriate reserve policy, restrictions on selected types of credit are of little value for that particular purpose.

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However, selective credit controls are far from useless as a part of the war-financing program. Their real purpose is that of contracting the demand for the borrowing of money by individuals and business enterprises, thereby making more funds of investors available for purchase of government obligations. For this purpose the restrictions of World War II were too limited. No curbs, for example, were placed on the making by banks of loans to well-to-do individuals for use in acquiring real estate or other property. Restrictions on instalment credit and on single-payment personal loans of less than $1,500, with no restrictions on larger loans or other types of loans, were in practice a discrimination against the most needy borrowers rather than a successful method of limiting loans by banks and other credit agencies, as far as possible, to investments in United States government obligations.

There can be no doubt that a more dexterously arranged basket of securities, more continuous and convenient offering of securities to investors, and more stringent restrictions on loans for certain purposes would have resulted in larger sales of government obligations to nonbanking investors. These inducements, combined with limitations on purchases of government securities by banks, would have led business concerns and individuals to purchase government securities instead of increasing their cash balances. However, we have no way of determining whether these modifications of the war-financing policies would have been sufficient inducement for nonbanking investors to take enough government securities to meet the difference between government revenues and expenditures in excess of $20 billion. My opinion, after surveying the evidence, is that these procedures would have come very close to meeting the problem; but I am not sure whether they would have been entirely sufficient under the conditions of 1942-45. It may be that some additional inducement to invest in government obligations would have been necessary.

Today's Problem Smaller But More Difficult

Today we face another period of a government deficit resulting from defense and war. From one point of view the problem is a smaller one than that of World War II. The def-

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icit, even under the enlarged military program which now appears necessary, will be relatively small in comparison with that of 1942-45. On the other hand, other conditions make the present problem a more difficult one. The principal wartime conditions favorable to large purchases of government securities by nonbanking investors do not exist now. Some types of goods and services will become scarce, but not many will become entirely unavailable. There is not so strong a feeling of national emergency to lead to the purchase of savings bonds regardless of the rate of return. There is a belief that the large defense program will be continued for many years. Consequently, consumers will not have so strong an incentive to accumulate cash for two or three years, to be held until unobtainable goods become available.

By far the most important difference between the present situation and that of World War II is the experience of investors and consumers with the bonds which they purchased at that time. They were urged to purchase the bonds not merely as an aid to the government in time of war but also as an excellent investment for savings. Purchasers of the savings bonds were promised an interest income equal to one third of the original subscription price, if the bonds were held for the 10-year period to maturity. In practice, the bonds plus the accumulated interest are now worth less, in real terms, than the original purchase price.

Another factor which greatly aggravates the present problem is the uncertainty regarding future central bank policy. Economists, who have many differences of opinion regarding governmental policies, have been agreed that good monetary policy could not be achieved as long as the practice was maintained of supporting United States government obligations at a fixed price or an extremely narrow range of prices. The recent settlement of the controversy over such support has removed the major obstacle to the development of monetary policy designed to reduce inflationary pressure resulting from the defense program.

Nevertheless, there is a vital aspect of the problem of policy designed to reduce inflationary pressure which has not been given sufficient emphasis by economists and government of-

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ficials in the controversy over interest rates. This is the question of what practices should be followed by the Federal Reserve banks in order to achieve good monetary policy. With monetary policy free from the shackles imposed by the practice of supporting the price of government obligations, what principles should be used by the Federal Reserve authorities? The absence of an answer to this question has been a missing link in the argument of those who opposed supporting the price of government obligations. They have had no suitable alternative principle to offer for guidance of the day-to-day operations of the Federal Reserve banks.

There is a second important question involved in the controversy over debt management and monetary policy which also has not been given sufficient scrutiny. If, in a time of large government expenditure for defense, monetary policy is focused directly on the problem of avoiding inflation, how can the Treasury be assured that any deficiency of revenue relative to government expenditure will be financed at a reasonable cost?

The finding of solutions to these questions has been handicapped by the fact that, while Federal Reserve authorities have the power and claim responsibility for monetary policy, they do not in fact have any statutory duty to use their power to prevent inflation or deflation. Congress has never told them that that is their job. Congress has instructed them to fix discount rates and to engage in open-market operations "with a view to accommodating commerce and business," with the qualification that open-market operations shall also be undertaken "with regard to their bearing upon the general credit situation of the country." These are ambiguous criteria. The most obvious meaning of "accommodation" is to make loans available to those wishing to borrow. The other criterion for open-market operations, "the general credit situation", is so vague as to be entirely meaningless. With regard to policies in wartime, or when government expenditures for defense or other purposes exceed government revenues and the Treasury becomes the most important borrower in the nation, the Federal Reserve authorities have no instructions from Congress. However, in wartime the dominant "business" of the nation is the maintenance of armed forces and the production of armaments,

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and the financing officer of this business who needs "accommodation" is the Secretary of the Treasury. By analogy, therefore, the rôle of Federal Reserve authorities in wartime appears to be that of making it easy for the Treasury to finance the government deficit, regardless of the problem of inflation. The hesitancy and confusion in reserve policy are basically due to the failure of Congress to give the Federal Reserve authorities appropriate instructions for the exercise of their powers.

Inflation Can Be Avoided

These circumstances make it difficult to stop the current price inflation without interfering with our defense effort. The problem, however, can be solved. It is not too late to hold the level of prices of the final products of the economy to that prevailing before the invasion of South Korea. This is not to say that the prices of specific goods and services can or should be rigid, or that an index of prices, either wholesale or retail, will be perfectly motionless. Price adjustments to changing conditions of supply and demand are continually occurring in a normally functioning economy. In shifting part of our productive facilities and labor to war activities, some goods and services will necessarily rise in price, at least for a time. Compensating adjustments will be necessary in other prices, but they may not occur until the flow of funds into the war activities diverts purchasing power from other parts of the economy. Wholesale prices, also, are always more volatile than prices of final products, and we cannot expect perfect stability in an index of wholesale prices even though this should be achieved in an index of prices of final products.

Two things are necessary for adjustment of the economy to the defense program without inflation of the level of prices of final products. The first is bold, determined action by the Federal Reserve authorities—on their own volition, by direction of the President, or by direction of Congress—to exercise their power to maintain such a money supply as will maintain stability in the prices of the goods and services comprising the final products of the economy. The second is an effective stimulus to the purchase of government securities by individuals and by business enterprises other than banks—a stimulus which

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is sufficiently effective to make government obligations a more attractive investment than other available investments. This does not mean that the interest rate on government securities should be higher than that obtained elsewhere, but it does mean that the risk of loss of savings should be removed from government obligations. It means that government obligations should be given a superiority over other types of investment as *a hedge against inflation.*

Government Bonds with Guaranteed Purchasing Power

Federal government obligations can be given a superior investment quality, as a hedge against inflation, by the issue of such obligations with guaranteed purchasing power. It is suggested that future issues of federal government obligations designed for sale to individuals, trust estates and nonfinancial business enterprises contain such a guaranty. Financial enterprises, such as banks and life insurance companies, have assets and liabilities both of which consist almost exclusively of obligations stated in specific amounts of money. They do not need protection against inflation, and accordingly do not need to be eligible to purchase guaranteed-purchasing-power bonds. However, it may be desirable to extend to life insurance policyholders and participants in mutual savings associations the protection afforded by guaranteed-purchasing-power bonds, to the extent that their policies, deposits, or shares rest on assets consisting of United States government obligations. Life insurance companies, mutual savings banks, and savings and loan associations might therefore be made eligible to acquire guaranteed-purchasing-power bonds, provided that suitable methods are devised for distributing equitably any purchasing-power premiums received by the companies on such bonds.

Guarantee of the purchasing power of government bonds can be given in the form of a provision that the maturity value will be increased above the issue price, and interest payments will be increased, in proportion to any increase in a comprehensive index of prices of final products of the economy between the date of issue of the bond and the maturity or interest date. If the index of prices goes down between the two

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dates, the maturity value and interest payments would not be reduced.

It is suggested that United States government obligations with guaranteed purchasing power be offered for sale in four forms: (a) bonds on a discount basis similar to the present savings bonds, with the purchasing-power guaranty applicable if the bonds are held three years or more before redemption; (b) long-term interest-bearing bonds in denominations of $1,000 and suitable multiples thereof; (c) bonds of the same denominations with principal and interest payable annually or semi-annually on the amortization principle over 25 years; and (d) shorter-term obligations, about two to five years' duration, in denominations of $100 and suitable multiples thereof, bearing interest at a lower rate than the long-term bonds but higher than the notes and certificates issued during World War II. Eligibility for purchase of all four types of guaranteed-purchasing-power bonds would be open to individuals, trust estates, and business enterprises other than financial enterprises. The interest-bearing bonds would be freely marketable except for limitations on their acquisition by banks and other financial institutions. Holders of existing savings bonds should be given the option of exchanging them, at their current redemption value, into those with guaranteed purchasing power. To facilitate the handling of such exchanges, existing bonds could be stamped with a new issue date and the modification of the terms of repayment. The new savings bonds, like the present series, should be purchasable at any time. The other types should be offered for sale at frequent intervals, such as the beginning of each month in which the Treasury needs to borrow additional funds, and should be purchasable without making bids and waiting for allotments.

A better index of the prices of final products would be needed than is now available, since existing cost-of-living and retail price indexes do not take into account many items which should be given consideration. The price index should cover, as far as possible, all kinds of consumers' goods and services, new residences, and permanent capital goods, such as business and industrial structures and equipment. These items should be

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weighted in proportion to the total national purchase of each kind in normal times. It is suggested that the base period for the index be the twelve months which ended on June 30, 1950, or the calendar year 1949, and that the same period be used as the basis for the adjustments in payment of principal and interest of guaranteed-purchasing-power bonds issued during the next two years.

Federal government bonds with guaranteed purchasing power will have a twofold advantage over existing obligations. First, they will be an investment in which the value of the principal, in real terms, is far safer than the accumulation of cash or than investment in obligations stated only in terms of a given sum of money. Second, by providing individuals and business enterprises with a hedge against inflation, they will reduce the tendency to bid up prices of real estate, corporate stocks and durable commodities. In consequence, they would become a very popular form of investment. Because of their advantages, interest rates on interest-bearing bonds with guaranteed purchasing power might be a little lower than those on the long-term bonds issued during World War II; and the price of savings bonds on a discount basis might be slightly higher than that of the present savings bonds.

Additional legislation might be required to authorize the Treasury to issue guaranteed-purchasing-power bonds. The present law limits the investment yield of savings bonds to 3 per cent a year, compounded semi-annually, and interest on other bonds to 4¼ per cent a year. If legal authorities should interpret the adjustment of interest and redemption price in proportion to changes in an index of prices of final products as a change in interest rate or investment yield, the Treasury would need specific authorization to issue guaranteed-purchasing-power bonds.

Cost of Guaranteed-Purchasing-Power Bonds

The cost to the Treasury resulting from the issue of obligations with guaranteed purchasing power will obviously depend upon the success of the government in avoiding inflation of the price level of final products. Avoidance of price in-

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flation depends on the continuous pursuit of a monetary policy which effectively prevents an increase in the circulating medium out of proportion to the needs of production and business at the existing price level. Such a monetary policy necessitates a limitation on the amount of government obligations acquired by banks.

Issue of guaranteed-purchasing-power bonds is the most effective device available for assuring the sale of sufficient government obligations to nonbanking investors to avoid overloading the banks with government obligations. However, issue of guaranteed-purchasing-power bonds without definite instructions to Federal Reserve authorities, by statute or executive order, to use their powers to prevent inflation would be a hazardous experiment. Such instructions, coupled with instructions to use their powers to prevent deflation also, should replace the ambiguous criteria in the Federal Reserve Act. Use of Federal Reserve powers in this way is thoroughly practicable, but will require permanent avoidance of the practices of recent years in supporting the prices of marketable government obligations. To the extent that such support is inconsistent with monetary policy needed to prevent inflation and deflation it has always been undesirable and inappropriate. With guaranteed-purchasing-power obligations issued by the Treasury, the apparent need for such support would disappear.

Issue of government obligations with guaranteed purchasing power and monetary policy limiting changes in the circulating medium to the amount of growth needed to maintain a stable level of prices are policies which reinforce each other. Together they are adequate to meet the government's borrowing needs and to prevent inflation in this period of very large expenditures for defense. Congress can initiate both procedures by the enactment of appropriate legislation.

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THE SCHUMAN PLAN *

THE dream of uniting Europe is an old one. For a while after the First World War, great hopes were raised by the Pan European movement which culminated with the Briand proposals of 1930 for a European Federal Union. The failure of this attempt was followed by the triumph of Nazism and the horrors of the Second World War. In the recent post-war period there has been a resurgence everywhere of the idea of European unity. The Organization for European Economic Co-operation, born of the Marshall Plan, and the Council of Europe Assembly represent major steps in this direction. Books, articles and speeches, advocating such a course, have already reached imposing proportions. The ultimate goal still remains a dream.

Twenty years after the abortive death of the Briand proposals, a new plan aiming at laying the first stage in a European federation was proposed by another French Foreign Minister, M. Robert Schuman. More modest in its immediate objectives, the Schuman Plan seeks to approach the problem of European integration through a prior unification of the coal and steel markets of Western Europe. Conscious of the pitfalls of nationalism, the Plan frankly calls for a limited renunciation of sovereignty to a new supra-national authority. The new rationalized organization of the European heavy industries is, therefore, to "open a breach in national sovereignty, by substituting for the barriers of the past, which have until now divided and impoverished [the European nations], common rules accepted by all and applicable to all for the common good." [1]

After nearly a year of laborious negotiations among six countries of Western Europe,[2] a treaty embodying the Schuman

* The views expressed in this article are those of the author and do not necessarily reflect those of the Department of State.

[1] Declaration of M. Jean Monnet, April 18, 1951 (French government release).

[2] Belgium, France (which signed also on behalf of the Saar), Italy, Luxembourg, The Netherlands and Western Germany.

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proposals was officially signed. Almost another year has been required for its ratification.

The aims of the Plan were clearly stated in M. Schuman's original declaration: " If peace is to have a chance there must first of all be a Europe. . . . Europe has not been organized. We have had war." The primary aim of the Plan is, therefore, the safeguarding of peace through the creation of a " sound, united, and strongly constructed Europe ". Conscious, however, that " Europe will not be built at one stroke or by means of one overall structure ", the Plan proposes as a first concrete step " to place all French and German steel and coal production under a common high authority in an organization open to other European nations." Although such a limited pooling of resources is expected to bring immediate and substantial benefits, it is clearly envisaged as a means toward a larger end, which is nothing less than the " economic unification " of the countries involved.

The advantages of the scheme are to be twofold. On the political level the " fusion of interests " and the creation of " real solidarity " will eliminate the " age-old enmity between France and Germany ", and make any war between the two countries " not only unthinkable, but materially impossible ". On the economic level the extension of markets, which will " bring about a drop in prices ", will contribute to a rise in living standards in all Europe, as well as in all lands " that look to the old Continent for their development and prosperity."

The ultimate aims of the Plan are so far-reaching and its technical provisions so complex that it is easy to lose one's sense of perspective in attempting to evaluate the undertaking. During the ratification debates in the German parliament, Dr. Adenauer urged the *Bundestag* not to judge the treaty by its technical details, but to examine whether its basic idea as a whole was conducive to achieving its purpose. It is difficult, however, to appraise properly the arguments advanced in support of or leveled against the Plan without making a fairly extensive investigation of market conditions in the coal and steel industries in Europe, the provisions of the Plan, and the basic issues of economic integration which it raises. In the absence of such a

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study, which cannot obviously be undertaken here, a few general observations will be offered following a brief review of the economic background and the provisions of the Plan.

Together the Schuman Plan countries produce about 13 per cent of the world's coal and 17 per cent of the world's steel as compared with 30 per cent and 49 per cent respectively for the United States. Among the members of the coal-steel pool Germany produces almost half of all the coal and steel and nearly a fourth of the iron ore. France produces almost three fourths of the iron ore, a third of the steel and a fourth of the coal. All of the other members of the pool have smaller-scale steel industries based on local production of either iron ore, such as Luxembourg, or coal, such as Belgium and The Netherlands. The important fact, however, is that all members of the pool are partly or totally dependent on imports of one or the other of these two basic commodities.

Costs and prices vary considerably between the various Schuman Plan countries. Prices of coal, for instance, are highest in Belgium and lowest in Germany and The Netherlands. Steel prices are again generally lower in Germany and highest of all in Italy. These differences are due to a variety of reasons. Some of them may be called natural ones (such as the location of seams). Others are due to differences in equipment, techniques and the efficiency of labor. Still others, however, are due to self-imposed regulations such as subsidies, import and export quotas, tariffs, double pricing, and discriminatory freight rates.

A striking example of these discriminations is afforded in the case of coal shipments to Lorraine from northern France and the Ruhr. In both cases the distance is about the same, but transport costs are about $3 a ton in the first case and close to $5 a ton in the second. An indication of German rail "subsidy" tariffs is given by the fact that south German ores travel to the Ruhr for around $1 a ton, while Lorraine ores are shipped to northern France (a much shorter distance) for around $2.50, which corresponds roughly to costs.

The fundamental defect of the organizational structure of the Western European coal and steel industries is clearly a lack of integration. Instead of one European market, rationally de-

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veloped, we have the inefficient spectacle of a half a dozen dependent markets artificially divided. Accompanying the resulting waste of economic resources are political rivalries and antagonisms.

It is essentially this defect which the Schuman Plan aims to correct by the creation of a "European Coal and Steel Community, based on a single market, common objectives, and common institutions."

The fundamental purpose of the Community will be to control the development of the single market through the establishment of conditions which will in themselves assure the most rational distribution of production at the highest possible level of productivity, while safeguarding employment and avoiding economic disturbances. A unified market is to be established immediately through the prohibition of the following practices, recognized as incompatible with the aims of the Community: all kinds of import and export duties and quotas; all manner of price discriminations among either producers or consumers; state subsidies or charges of any form whatever; any restrictive practices tending to divide the market or exploit the consumer.

The essential tasks of the Community are: to see that the single market is regularly supplied with coal and steel, taking account of the needs of third countries; to assure to all consumers in comparable positions within the market an equal access to the sources of production; to see to the establishment of the lowest possible prices while providing for the maintenance of conditions which will encourage the enterprises to develop and improve their production potential.

The Community is to accomplish the above tasks in three major ways: by gathering and publishing information and organizing consultations; by placing financial means at the disposal of individual enterprises; and by direct powers of control, in accordance with the provisions of the treaty, and only when circumstances make it absolutely necessary.

There are to be four major institutions of the Community: a High Authority (assisted by a Consultative Committee); a Common Assembly; a Council of Ministers; and a Court of Justice.

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The High Authority is to be the executive organ of the Community. It will be granted all the powers of the individual governments concerning prices, production and investment in the fields of coal and steel, and will exercise these powers within the stipulations of the treaty. This Authority will be composed of nine members appointed for six years, and chosen on the basis of individual competence. Members are not to have any tie or obligation to any individual state, but only to the Community as a whole. The High Authority will act by majority vote, and will be required to publish an annual report of its activities for submisison to the Assembly. Attached to the High Authority for the purpose of assistance is to be a Consultative Committee including in equal numbers producers, workers and consumers.

The Assembly will be composed of delegates chosen by the individual member states. France, Germany and Italy will have 18 votes each (Saar representatives to be included in the French total), while Belgium and The Netherlands will each have 10 votes and Luxembourg 4. The Assembly will meet once a year on the second Tuesday in May to review the annual report of the High Authority. By a two-thirds vote of censure the Assembly may compel the collective resignation of the High Authority.

The Council is to be responsible for harmonizing the actions of the High Authority and those of the member governments, which are responsible for the general economic policies of their countries. The Council will be composed of one representative from each participating country, chosen from among the members of its government. The Council's rôle is not to supervise the High Authority, but its concurrence is required in specific cases. It acts by majority rule, except where unanimity is specified.

The Court is to be charged with the function of ensuring the rule of law in the interpretation and application of the treaty.

Following is a brief summary of the major economic and social provisions of the treaty. The High Authority acquires funds through levies on coal and steel production (not in excess of one per cent of value), by borrowing, by receiving grants, and by imposing fines. In part the High Authority may use its

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funds to extend non-reimbursable assistance to firms and workers for the purpose of readaptation to the new conditions of the market. With regard to investment programs, the High Authority may assist through loans those it approves of, and it may issue unfavorable decisions. In the latter case the enterprise affected is prohibited from resorting to resources other than its own funds to put such a program into effect. The High Authority may impose fines up to the amount involved in such programs if this prohibition is violated.

The very important question of prices is to be regulated in a somewhat complicated fashion. Generally speaking, all discriminatory practices and all price reductions for the purpose of gaining a monopoly are forbidden. Each enterprise is to choose a base point and set up a price scale and conditions of sale, all of which are to be made public to the extent and in the form prescribed by the High Authority. This means that producers might charge different prices for a given product at different points in the market. As transport charges are added, and vary greatly, all consumers will not necessarily buy from the lowest-price producer. Producers will, moreover, be permitted to lower their prices from their established scale to meet the competition of producers in other points of the market. But the margin of this reduction cannot exceed that which would make it possible to align the offer at the point of delivery with the lowest offer based on any other established price scale.

If extraordinary conditions make it necessary, in order to carry out the purposes of the treaty, the High Authority may fix maximum and minimum prices, after consultation with the Consultative Committee and the Council. If the High Authority fails to act, the Council may, by unanimous vote, request it to do so.

In case a decline in demand confronts the Community with a period of manifest crisis, the High Authority may, with the concurrence of the Council, establish production quotas. If the High Authority fails to act, the Council may, by unanimous vote, require the High Authority to establish such quotas. These quotas are automatically terminated upon a proposal of the High Authority unless the Council refuses by unanimous

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vote, or upon a proposal of one state unless the Council refuses by a majority vote.

If the Community is faced, on the other hand, by a serious shortage, the High Authority may propose allocations and consumption priorities. These are fixed by the Council, through unanimous decision, or failing such unanimity by the High Authority itself. The system may be terminated by unanimous decision of the Council, or by the High Authority unless the Council is unanimously opposed.

The anti-cartel provisions of the treaty prohibit all agreements which would tend to prevent, restrict or impede the normal operation of competition. Substantial fines up to 10 per cent of the annual turnover are provided for any violations.

Following the ratification of the treaty by the various parliaments, two periods of transition are provided for by a separate convention before all provisions of the treaty go into effect. The first period of transition will last six months, and is provided for essentially to permit the establishment of mechanisms necessary to implement the treaty. The second period of transition is to last five years, and is provided to permit the highest-cost coal mines and steel mills to adapt themselves progressively to the single market.

In the case of coal, the convention calls for an equalization fund to be derived in part from levies on the coal production of the lowest-price producers (Germany and The Netherlands) and in part from contributions from the countries whose mines are to be assisted by the fund. The action of this fund is to terminate at the end of five years, and the levies on the German and Dutch production are to be reduced by 20 per cent each year.

It is expected that major difficulties of adaptation to the single market in the field of coal will be encountered by the Belgian mines. It is anticipated that some of these will be able to reduce costs, and that others will be compelled to close. The convention stipulates that the reduction in Belgian coal production shall not exceed 3 per cent of the 1950 production (28 million tons) a year. With the assistance of the equalization fund, Belgian coal prices will immediately be lowered to a price equal

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to the estimated cost of production at the end of the period of transition. As Belgian prices will still be higher than elsewhere, in spite of the above measures, the convention allows Belgium to maintain (under the control of the High Authority) mechanisms for isolating Belgian coal from the pool during the transition period.

France may also be assisted by the equalization fund for coal, and will also likely have to close some of its mines. This reduction shall not exceed one million tons a year. No equalization fund will be established for steel, but Italy will be allowed to maintain tariffs on steel during the transition period. These tariffs will have to be reduced, however, by 20 per cent each year.

Clearly the Schuman Plan treaty and convention constitute first and foremost an attempt to provide an organization of the coal and steel industries of Western Europe more conducive to the general welfare than either the present or the pre-war patterns. The fate of the Plan hangs on the realization of this first objective.

The Plan has, however, as we have seen, a further and much wider object. It contemplates the ultimate formation, in the words of M. Georges Bidault, of " a vast region, that from the North Sea to the Mediterranean, encompassing all countries of Western Europe with a democratic Germany, and under safeguards of an international control, would provide for the free circulation of goods, men and capital, providing a sure prosperity for all and at the same time furnishing a new element of stability for the world." The coal-steel pool envisaged is merely to be the first step leading toward this eventual total integration. Already plans are being developed for a " green pool " to include the agricultural countries of Western Europe.

Objections to the coal-steel pool are as many and varied as the aspects of the Plan itself. There are, first of all, those based on purely nationalistic sentiments. They played a major rôle in the ratification debates, and were heard in every land. The small countries fear domination by the large ones, and all raise the specter of ultimate German control. The Germans, on the other hand, complain that their voice in the pool is not in proportion

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to their production. Objection is voiced against the closing of coal mines in Belgium and France and of steel mills in Italy, but even in Germany opponents of the Plan have predicted unemployment in the Ruhr. These are the arguments which will accompany any effort to integrate Europe. They stem either from selfish or opportunistic opposition to the concept of European integration, or from the reasoned belief that such integration is presently unattainable, unnecessary, perhaps even undesirable. It is interesting to note, however, that while the voice of nationalism is at times deafening, few, if any, of today's leaders in Europe would openly deny the desirability of greater European integration. In Great Britain, where such sentiment is perhaps weakest, Winston Churchill has long advocated such a course, and it was the late Socialist Ernest Bevin who declared in January 1948: "The time is ripe for the consolidation of Western Europe." Selfish nationalism can often be expected, therefore, to use borrowed colors, but it will remain a major obstacle to the Plan's realization. In the words of the Chief German delegate, Professor Walter Hallstein, on the occasion of the signing of the treaty:

> We know our most dangerous adversary: national selfishness which divides peoples and which still has allies in all of our countries. We are realistic enough to know that our project has not destroyed that adversary. But if, in the future, this accomplishment takes on life in the acts of men who are animated by a really European spirit, we shall have mortally wounded the adversary.

Turning from the objections based on pure nationalism and opposition to the goal of integration, there are the arguments of those who, while supporting the idea of integration, disapprove of the proposed approach. The first major dissension, in this respect, concerns the need for creating a supra-national body endowed with certain sovereign powers.

This has been a major point of controversy between the French and British regarding adherence to the Schuman Plan. That this is a fundamental issue, which transcends the Plan, and currently splits Europe, has been clearly brought out in the meetings of the Council of Europe Assembly. In the words of

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a British representative to the Assembly: " The British and the Scandinavians want European unity to develop by cooperation at the government level. That means an inter-governmental body, on which the governments concerned can instruct their representatives. Most of the other member states want, if not a federation, at least the creation of a supra-national European authority."

What are the basic reasons underlying the British position? The so-called Labor Party Manifesto of June 1950, which caused such a furor at the time, declared in no uncertain terms: " No Socialist Party with the prospect of forming a government could accept a system by which important fields of national policy were surrendered to a supra-national European representative authority, since such an authority would have a permanent anti-Socialist majority." The British objection to the supra-national approach, however, is much more basic than the doctrinaire fears of the Socialists. The Conservative party was highly critical of the government's refusal to join in the original Paris talks, but when forced by Sir Stafford Cripps to face the real issue Mr. Churchill declared: " If the Chancellor asks me if I would agree to a supra-national authority which had the power to tell Great Britain not to cut any more coal, or make any more steel, but to grow tomatoes, I would say without hesitation, ' no '." In the words of the London *Times*,

> with Mr. Churchill's " no " much of the argument which had surrounded the Opposition melted straight away. . . . Mr. Schuman and his colleagues in France and other European countries mean what they say when they propose the surrender of sovereign powers to a European body for the discharge of industrial tasks; and Mr. Churchill is no more able than Mr. Attlee or Mr. Bevin to accept this method of approach.

The fundamental reasons for Britain's rejection of the supra-national approach are many. The United Kingdom is fearful of jeopardizing its relation with the Empire and the United States through too close integration with Europe. British planned economy (largely accepted by the Conservatives) would be hard to integrate with the more liberal Western European economies,

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and the British feel they cannot afford to relax their controls. (Paramount in this connection are considerations of full employment.) Not least of all is British mistrust of the unstable character of many Continental governments, and a general unwillingness to trust a foreigner with any decision affecting British life.

Other states have been driven to rejecting the British position, not out of any love of relinquishing any part of their sovereignty, but through the conviction, based on past experience, that the road of inter-governmental negotiations only leads to ineffectual compromises which perpetuate rather than correct present irrational economic developments. The difficulties of the Organization for European Economic Co-operation afford ample illustration of this point. The position of the proponents of the Schuman Plan has been most forcefully expressed by M. Paul-Henri Spaak:

> The organized international life for which we are working cannot be realized unless we destroy the dogma of the absolute sovereignty of states. A real international organization and absolute national sovereignty are contradictory and irreconcilable ideas. Either we accept a world of anarchy based upon force, or we build a world where peace and order are possible. If we choose the second goal we must abandon the old idea that any one country, great or small, can do as it pleases.[3]

The second major objection to the Schuman Plan approach to integration concerns its functional character. Many see in the Schuman Plan the danger of a rule by technocrats having no responsibility to the people. Such technocrats, moreover, will be without any political power capable of weathering them through the first storm. Both the undemocratic and the unworkable aspects of the Plan are stressed by opponents of integration through economic functionalism. There is undoubtedly much to be said for this argument. It was M. Schuman himself who stated: "The Authority will not fulfill any political functions. Its task will be exclusively economic." Presumably the political aspects of the economic problems will be taken care of

[3] *Foreign Affairs*, October 1950, p. 95.

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by the Council of Ministers. But the Council is only a governmental, not a supra-national, body which brings us back to the previous issue. As to control of the Authority, it can be said to lie ultimately with the people, but only very remotely. The life of the Authority can be terminated by an adverse vote of the Assembly. But the Assembly will have little say over individual policies, and will need a two-thirds majority even to force a general resignation, which it will probably wish to avoid except in the most extreme cases. Even the Assembly, furthermore, may represent the people of each country only indirectly. The treaty leaves up to each state the manner of choosing the members of the Assembly, which may be either by direct election or by voting in the national parliaments themselves. It is precisely this last procedure which has prevented the Council of Europe Assembly from being on a truly European level.

In defense of the Plan it can be said that it represents a compromise on political responsibility which places its hopes for success precisely on the limitations of the field involved. Faced with the impossibility of obtaining immediately a greater degree of renunciation of sovereignty on the one hand, and the impossibility of building a new economic order without commensurate political backing on the other hand, the Plan attempts to divide a problem which it cannot surmount by frontal attack. Time alone can show whether such optimism is justified. It should be clear, however, that, as the areas of integration expand, a primary concern will have to be the consolidation of political responsibility.

The opposite danger from that of a rule by technocrats is that the High Authority will become a tool of the governments and that the Council's voice will, in effect, be predominant. This danger will, of course, be increased by the appointment of mediocre personalities to the Authority.[4] At best such an occurrence would provide an example of that kind of integration through negotiated agreement advocated by the British. At worst, it could result in a form of inter-governmental compromise on the *status quo* which would fail to achieve any integration at all.

[4] German Socialists have cited the example of the International Court of the Hague to show how unobjective members of a supra-national authority can be.

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Aside from nationalistic objections to the concept of integration itself, and those directed at the means of achieving it, there is the vast field of dissension over the type of integrated economy desired. Objections in this field are often the cause of some of the previous criticism we have examined. It has been said for instance that the reply of Sir Stafford Cripps to the charge "of sabotaging European unity . . . must be that Britain refuses pointblank to sacrifice fair shares for all and planned recovery for the sake of unity with the bankers whose policies now dominate Western Europe." [5]

The Schuman Plan proposes a specific type of economic organization which seeks to combine private initiative with a degree of public supervision. It was inevitable, therefore, that it would be attacked by zealots of every differing shade of opinion. Proponents of extreme liberalism see in it a cartel, and criticize the degree of controls provided. Cartel-minded industrialists attack it as a form of superstate control, while doctrinaire Socialists attack its failure to provide for nationalization. These criticisms range from the extreme Right to the extreme Left, encompassing those who see too many controls, too few controls, and the wrong kind of controls.

The charge that the Schuman Plan is "just another cartel" or a "super-cartel" is one frequently heard in America. Such statements are misleading to say the least. Their purpose, however, is obvious. "Labeling a collective market control 'cartel' has almost invariably been to present it in an unfavorable light," wrote Ervin Hexner in 1945.[6] "In many countries, including the United States, designating an economic structure a 'cartel' is tantamount to social denunciation." [7] But what is, in effect, a cartel? The term has received so many various definitions that it can be made to apply to almost any form of market regulation, including the Schuman Plan. The business arrangement usually associated with the term, however, is something much more specific. It is "an arrangement among, or on

[5] *New Statesman and Nation*, London, July 2, 1949.

[6] Ervin Hexner, *International Cartels* (Chapel Hill, 1945), p. 7.

[7] Hexner, *The International Steel Cartel* (Chapel Hill, 1943), p. 33.

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behalf of, producers engaged in the same line of business, with the design or effect of limiting or eliminating competition among them." [8] The essential feature of what is generally thought of as a cartel is that it is an association of independent, private entrepreneurs, which is formed for the purpose of increasing the profits of its members. The bad reputation which cartels have achieved in many quarters, whether justified or not, stems directly from these essential characteristics. None of these, however, apply to the Schuman Plan. The latter is an inter-governmental scheme, aiming at the maintenance of competition, and the protection of the interests of all. It is mere linguistic acrobatics, therefore, to stretch the definition of a cartel to the point where it can include a plan in order to make use of the unfavorable connotation of the term resulting from specific features associated with it which are absent from the plan.

Once this has been said, it must be recognized that there is an element of legitimate criticism contained in this somewhat misleading indictment. Although the Plan's avowed purpose (amply supported by specific provisions) is to provide a higher degree of competition than either that presently known, or that generally prevalent in pre-war years, the treaty does contain some provisions which would limit, under certain circumstances, the free play of competition. Because of these, the Plan comes under the fire of those who would like to see still fewer, or even no, controls placed on competition.

The question of the optimum degree of competition desirable or possible will remain one of the debatable issues of the Plan. Essentially the difference of opinion, in this respect, is one of degree rather than of kind. The days of laissez faire are over, and the growing concern for full employment has further complicated the problem. Regardless of the attitude which one may take, it should be clear that the need for considerable planning, which the Marshall Plan itself encouraged, will be keenly felt in Europe for some time. The desire of some Americans to see completely unhindered competition can be said to correspond to

[8] George W. Stocking and Myron W. Watkins, *Cartels or Competition?* (New York, 1948), p. 3.

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no political reality in Europe today. This is particularly true of the coal and steel industries, largely as a result of a lack of elasticity caused by the combination of high fixed costs and extreme fluctuations in the value of sales over the business cycle. According to the Schuman Plan experts, the evolution of the coal-steel market in Europe over the last few decades shows that it has been characterized by alternating period of peaks and depressions, and has practically never known normal conditions. As a result these experts were unanimous in feeling that the High Authority should surround its action with constant precautions to attenuate as much as possible sudden changes in the business cycle.

A somewhat different line of criticism is that of many European business men. Contrary to the view discussed above (heard largely in America), European industrialists have no quarrel with the need for controls over the effects of "unbridled competition". Their quarrel is over who should exercise the controls. The solution they would like to see is a return to the cartel system. The rallying cry is the prevention of a "*superdirigisme*". Support for these views, moreover, is found also among purely nationalist elements opposed to international integration, and even in trade-union and socialist circles. The cartel system would leave each country largely in control of its own economy, and has traditionally provided security for workers by maintaining inefficient plants in operation.

Finally there is the opposition to the Plan of the doctrinaire Socialists who are committed to state ownership and control of all major elements of production. Although nationalization is not prohibited by the Plan, many of the arguments for it would doubtless be removed by the implementation of the Schuman treaty. But this is, in any case, an issue which has by now lost much of its appeal. It is likely that the objection of most Socialists to the plan is a political and a much more practical one. The rule of the Community for Coal and Steel would remove from the hands of socialist governments the political power connected with control over a vital sector of the economy, and place it in potentially unsympathetic ones.

For the advocates of rigid state control, moreover, the powers

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of the High Authority over investment are insufficient as they feel that anything short of complete investment planning will not bring about the goals of integration sought.

Chancellor Adenauer expressed it this way in the recent ratification debates:

> Adherents of a fully liberalized economy contend that the treaty contains too many provisions on planning and governmental interference and controls, while the defenders of a planned economy take exception to the lack of such measures. You will find, however, that those who framed the treaty succeeded in finding a middle of the road solution reconciling the divergent views.

Looking back on recent history, it can be said that there have been so far three main ways of regulating production and trade in the heavy industries: uncontrolled international competition, private control through a cartel, and attempts at national isolation. The general European rejection of the first alternative has led to the adoption of the second during the inter-war period, and the third since the end of the last war. Neither of these has proved very satisfactory. The latter, in particular, can hardly be considered feasible in the long run. The virtue of the Schuman Plan is that it seems to present a fourth possibility which may well be, in the words of the London *Economist*, " the best compromise possible between out-and-out competition and stultifying autarky."

If the Plan should fail, it should be realized that the alternative is " almost certainly not a high degree of competition and the most efficient allocation of production ", but rather the probable development of " a private international cartel, or several national cartels with varying degrees of government backing." [9]

The success of the Plan will undoubtedly be affected in large measure by the political and economic climate of the years ahead. Should a period of general slump develop at the beginning, which seems out of the question at present, the burden of bringing the least efficient industries into a competitive position would doubtless prove insupportable. On the other hand,

[9] William Diebold, *Foreign Affairs*, October 1950, p. 129.

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in a period of general shortage, such as the one which lies ahead of us as a result of rearmament, every mine and mill will be needed, including the inefficient ones. Under such circumstances there will be little rationalization of the market, except to the extent the low-cost producers may expand more than the high-cost ones.

A final word should be said regarding the purely political aspects of the Schuman Plan. Although the overriding importance of such considerations is often stressed, it is hard to go beyond the realm of well-known generalities. Certainly the ultimate political benefits of total integration need not be dwelt on here. A word of caution might be in order, however, regarding the partial economic integration contemplated in the Schuman Plan. It is clear that such integration would remove certain sources of friction (by providing increased access to supplies and markets) and create additional economic ties which would bind the countries involved more closely together (by increasing their interdependence through greater specialization). These factors would tend both to lessen the causes leading to war and to increase the economic obstacles in the way of waging one. But it would be dangerous to assume that such factors would make war either "unthinkable" or "impossible". Recent history has shown that human passions can frequently outweigh the heaviest of economic interests. Certainly the Plan, if economically successful, will be a step on the road toward peace and understanding among the participating nations, but there will still be a long way to go.

Of more immediate interest, perhaps, is the potential political effect of the Plan on the relations between the nations of the pool and the outside world. It was frequently feared in the beginning that the Plan might tend to create a third force between America and the Soviet Union which would seek to become a neutral bloc. This feeling has been largely dispelled of late, and replaced by a growing conviction that the realization of the Plan represents a vital move in the consolidation of Western Europe in the camp of free nations opposed to any further expansion of communism. In particular the Plan is seen as definitely tying Western Germany in with the Atlantic Pact

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nations. The tendency will, doubtless, be in this direction, but again hopes should be tempered with caution.

A concrete plan for beginning the building of a new and revitalized Europe has been drafted and approved. The next few years will show whether the scheme will justify the hopes it has aroused, or whether it will join the company of other noble concepts that failed, leaving to other hands the realization of the goals it sought.

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THE COURTESY OF THE SENATE

THE controversy in 1951 between Senator Paul Douglas of Illinois and President Truman over the appointment of two federal judges in that state, which attracted nation-wide attention, provides a recent illustration of the unwritten rule of senatorial courtesy and emphasizes the need to take the appointment of local federal officers out of politics. Following the customary practice, Senator Douglas conferred with party leaders and members of the Illinois bar, and in January recommended to Attorney General McGrath the appointment of William H. King, Jr., and Judge Benjamin F. Epstein. Six months later, in July, President Truman sent in the nominations of two other persons for these judgeships—Municipal Judge Joseph P. Drucker and Cornelius J. Harrington. Several days later Douglas took the unusual step of asking the Chicago Bar Association to conduct a poll of its members in order to ascertain whether they preferred his choices or those of the President. The results were an overwhelming victory for the persons whom Douglas had picked. Armed with this corroboration of the qualifications of his own choices, Douglas appealed to the courtesy of the Senate in opposing the nominations of the President and was sustained unanimously by the Judiciary Committee and the Senate.

Following the precedent of two similar cases which arose in 1950, he did not make the customary assertion that the nominees were " personally obnoxious " to him. To the contrary, he stated that they were " worthy " men, though he regarded his own choices as better qualified, and based his objection on the method by which the nominations were made, that is, his own recommendations were not nominated by the President.

The controversy over the Illinois judgeships was exceptional also in other regards. In this instance, the Senator exercised great care, and had selected two persons of outstanding qualifications for appointment to the federal bench, while the Presi-

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dent's nominees were not so well qualified. One of the President's nominees, Municipal Judge Joseph P. Drucker, is the nephew of Representative Sabath of Illinois, who stated at the hearings of the Judiciary Committee that he had been largely responsible for the passage of the legislation in the House creating the new judgeships, when it was generally understood that one of them would go to Drucker. The other nominee of the President was reported to have had the backing of former Senator Lucas of Illinois.

It should be noted that Senator Douglas did not attempt to select necessarily the best qualified persons in the district for the federal bench. If this had been his purpose, he probably would have chosen Republicans in view of the fact that the Chicago bar is overwhelmingly Republican, and no attorneys of that party have been appointed to federal judgeships for nearly twenty years. He sought rather the best "available" persons, which meant that they had to be Democrats and acceptable to the local party organization. It was brought out in the hearings that the Senator and the President were agreed that one of the appointments should go to a Protestant, one to a Catholic, and the third to a Jew.[1]

Typically, contests between the President and members of the Senate over appointments arise when the President declines to nominate the candidate proposed by a senator of his party, ordinarily on the ground that the senator's nominee is not qualified. At times the President has cut off the customary patronage of senators of his party who have consistently opposed his legislative program. The fact that Senator Douglas recommended well-qualified persons for the Illinois judgeships should not obscure the fact that the custom of permitting the senators of the party in office to select the persons for federal appointment in their own states results in political and often in patronage appointments. The actual selections are frequently made by the party leaders rather than by the senators, and these federal offices are commonly used to reward party workers or the

[1] *New York Times*, July 19, Aug. 4, 5, 11, Sept. 18, Oct. 9, 10, 12, 1951; *Congressional Record*, 82d Congress, 1st sess. (daily edition), pp. 13101-13103 (Oct. 9, 1951).

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supporters of the senators. In the past, unqualified persons have often received the necessary political sponsorship and have been appointed.

In the contest over the Illinois judgeships the situation was very different from the usual case. Both of the candidates of Senator Douglas were highly qualified, and politics had not played a large part in their selection; while those of the President were less qualified, and political considerations dictated their choice. Also, Senator Douglas had been a consistent though discriminating supporter of the administration, and the President had no valid reason to withhold the customary patronage.

This instance of the custom of senatorial courtesy is the most recent of a long line of cases in which the President has been rebuffed by the Senate when he rejected recommendations of senators of his own party for appointments in their own states. George Washington suffered a similar rebuff several months after the first session of the Senate opened when his nomination of one Benjamin Fishbourn to the post of naval officer of the port of Savannah was rejected, not because of any lack of qualifications, but because the two Georgia Senators had another candidate of their own. The next day Washington nominated their candidate, but at the same time he wrote a sharp letter to the Senate requesting that thereafter it ascertain his reasons for making a nomination before rejecting it.[2] The custom of permitting the senators of the party in power to select the person for appointment to federal offices within their states, however, did not become firmly established until many years later. Washington insisted that under the Constitution the nominating power rested with the President alone, and followed the practice of consulting not only members of the Senate, but members of the House and other prominent citizens.[3] In the main, this practice was followed by other early presidents, but in the course of time the practice of consulting members of the

[2] *Messages and Papers of the President* (Washington, 1899), vol. I, pp. 58-59 (Aug. 6, 1789).

[3] See Carl Russell Fish, *The Civil Service and the Patronage* (New York, 1905), chap. i; Leonard D. White, *The Federalists* (New York, 1948), chaps. 21, 22.

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Senate about appointments in their states was transformed into the custom of permitting them to name the person to be appointed, with the President retaining only a veto over their recommendations. In states represented in the Senate by members of the opposite party, the President turns to the party leaders in the state for their recommendations, though in this case he is freer to reject their nominations.

The custom of senatorial courtesy is the sanction by which a majority of the Senate may require the President to nominate the candidate proposed by the senator or senators from the state in which the office is located, provided they belong to the same party as that of the President. Under the custom any member of the Senate may block the confirmation of a nomination by stating that the nominee is "personally obnoxious" or offensive to him. In the past it has not been necessary for the senator to do more than merely indicate his opposition to a nomination, and repeat the customary formula. An objection to a nomination does not mean that the nominee is actually "personally obnoxious" to the objecting senator; it frequently involves no animus whatever, but merely indicates that the senator has another candidate. Formerly it was not necessary or expected that the objecting senator give any reasons to support his objection; he merely rose in his seat and announced that the nominee was "personally obnoxious" to him. Usually he advised the chairman of the committee to which the nomination had been referred, and the nomination was not reported to the Senate.

The Grounds on Which an Objection May Be Made

The operation of the rule was the subject of considerable discussion on the floor of the Senate during the consideration of the nomination of Charles A. Jonas, a defeated Republican Congressman from North Carolina, to be federal district attorney in 1932. Prior to 1929 nominations were customarily considered in closed executive session, and hence the debates were not reported. Senator Bailey of North Carolina, a new member of the Senate, entered a personal objection to the nominee, explaining, however, that there was nothing personal in

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his opposition. He based his objection on a statement which Jonas had published criticizing the conduct of elections in North Carolina, in which he stated that it was impractical to clean up the elections by criminal prosecutions. Senator Bailey declared that the appointment was personally obnoxious to him because Jonas had brought the Commonwealth of North Carolina "into obloquy", had impeached its good name, and asserted that justice could not be had in its courts in election cases.[4]

Senator Johnson stated that an objection was not tenable "except it be of a personal character", but Senator Reed of Pennsylvania stated that the Senator from North Carolina was making his path very hard. If he would simply state that the nominee was personally objectionable, Senator Reed said, he would vote against confirmation, but, on the other hand, if the matter were left to his own judgment, he would have to vote the other way. When Senator Bailey replied that he had stated that the nominee was personally obnoxious to him, and had given his reasons, Senator Reed exclaimed: "Ah! but then why does the Senator use the words 'personally obnoxious' at all? If he has reasons against the confirmation, all well and good; let us weigh the reasons; but the fact of the nominee being personally obnoxious to him or not does not seem to me to enter into the case at all." [5]

Although the rule formerly was that a senator who entered a personal objection was not required to give any facts to support his position, in recent years the objecting senator has been expected to state his reasons so that the Senate can judge whether they are sufficient. When Senator Schall of Minnesota appeared before a judiciary subcommittee opposing the confirmation of Gunnar Nordbye to be a district judge in Minnesota in 1931, Senator Blaine maintained that mere political opposition was not sufficient grounds, and that an objection should be based upon a statement of facts which justified the opposition. Senator Schall responded by filing the signed statements of several persons testifying that the nominee had made

[4] *Congressional Record*, 72nd Congress, 1st sess., p. 6711 (Mar. 23, 1932).

[5] *Ibid.*, p. 7434.

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disparaging remarks about him.[6] The question whether an objecting senator is required to give his reasons also arose in 1934 during the consideration of the nomination of Daniel D. Moore to be collector of internal revenue in Louisiana. Senator Long entered a personal objection. Several scheduled hearings on the nomination were postponed by the Finance Committee at Long's request, and when they were finally held, the Louisiana Senator appeared briefly, standing on his right to enter a personal objection without stating his reasons. The Committee refused to accept this objection, and reported the nomination to the Senate with a recommendation for approval. Senator Long, it may be noted, was not only at "outs" with the administration, but was not in the good graces of his colleagues in the Senate.

In the Senate debate on March 23, 1934, Senator Long opposed the nomination on the ground that the nominee was "personally obnoxious" to him, and stoutly maintained that under the custom of the Senate such an objection required no explanation or justification.[7] Senator Wheeler defended the right of Senator Long to enter a personal objection without giving his reasons, saying that to his knowledge this had never been required.

Senator Barkley said that, while formerly no explanation was required, in recent years the practice had been for a senator who enters a personal objection to give his reasons so that the Senate may pass upon them. Otherwise, he declared, the arbitrary exercise of personal objections "would make it impossible for an Executive to appoint anybody who could be confirmed."[8]

In the hearing on the nomination of William S. Boyle to be district attorney in Nevada in 1939, to which Senator McCarran objected, Senator Norris, a member of the subcommittee, insisted that the Nevada Senator state the grounds for his

[6] *Hearings before a Subcommittee of the Committee on the Judiciary, U. S. Senate, 71st Congress, 3rd sess., on the Confirmation of Hon. Gunnar H. Nordbye,* Feb. 26, 28, Mar. 2, 1931.

[7] *Congressional Record,* 73rd Congress, 2nd sess., p. 5235 (Mar. 3, 1934).

[8] *Ibid.,* pp. 5244, 5251.

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objection, saying that "common honesty compels that course." [9] Senator McCarran complied with the request of Senator Norris and stated his reasons, which were essentially the same as those of the two Georgia Senators who opposed Washington's nomination of Benjamin Fishbourn in 1789, namely, the Senator had another candidate whom the President had not accepted. This has, indeed, been the usual ground for an objection, though the formula and the allegations have varied. McCarran had proposed the reappointment of W. P. Carrville, and regarded the appointment of Boyle, a prominent Nevada attorney and former Democratic national committeeman, as a "slap" at him by the President. McCarran, who was a candidate for reëlection in 1938, interpreted the President's withdrawal of his customary patronage as intended to indicate to the voters of Nevada that he did not have the support of the administration. This McCarran considered as an affront, comparable but more subtle than the President's announced opposition to several other Democratic senators who were up for election that year.

> Mr. Boyle is personally offensive to me [said Senator McCarran] because he has lent himself to a conspiracy to take from me my standing as a Member of the Senate of the United States and has lent himself to defeat the will, or rather the words, of the Constitution of the United States, which says that the Senators of the United States shall affirm, recommend, and advise.[10]

The reasons which Senator Glass gave for his objection to the appointment of Judge Floyd H. Roberts to a district judgeship in Virginia in 1939 were very similar: "This nomination is utterly and personally offensive to the Virginia Senators, whose suggestions were invited by the Department of Justice only to be ignored." [11]

Many other instances could be cited where the objection was

[9] *Hearings before a Subcommittee of the Committee on the Judiciary, U. S. Senate, 76th Congress, 1st sess., on the Nomination of William S. Boyle to be United States Attorney for the District of Nevada,* 1939, p. 43.

[10] *Ibid.*, p. 42.

[11] *Hearings before the Committee on the Judiciary, U. S. Senate, 76th Congress, 1st sess., on the Nomination of Floyd Roberts to be United States District Judge for the Western District of Virginia,* Feb. 1, 1939, pp. 1-2, 44.

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due to the fact that the senator had another candidate. Two similar cases came before the Senate in 1950, when it rejected the nomination of M. Neil Andrews to be district judge in Georgia on the objection of the two Georgia Senators, who had recommended another person. Their position was exactly the same as that of the two Georgia Senators who objected in 1789 to the nomination of Benjamin Fishbourn. " When the senators of the same political party as the President have been requested to make a recommendation," declared Senator Russell, " they have a right to believe that if the man they recommend is qualified the recommendation will be followed. Otherwise the constitutional power of the Senate to advise and consent to a nomination means nothing; it has no significance." He went on to state he considered the " action taken to be in derogation of the rights of individual senators and of the dignity of the Senate as a coordinate branch of the Government. It is contrary to custom, and in defiance of the constitutional powers of the Senate." [12] No defense was made of the nomination, and it was rejected without roll call.

On the same day the Senate rejected the nomination of Carroll O. Switzer to be district judge in Iowa on the objection of Senator Gillette of that state, who stated that he regarded the nomination as a " personal affront " to him. He complained that the Justice Department had not come to him to ask for his suggestions, but after he had gone to the Department he was invited to make recommendation. Thereafter he went to a great deal of trouble to inquire into the qualifications of candidates, asked the local bar associations to hold a secret ballot on the persons under consideration, and submitted the name of the person who received the largest number of votes. The President's nominee, Mr. Switzer, former Democratic candidate for governor, was at the bottom of the poll. Senator Gillette denounced the nomination as a " political machination ", and the Senate rejected it without a roll call.[13]

It has been said on the floor of the Senate that when a senator enters a personal objection to a nominee it is to be presumed

[12] *Congressional Record*, 81st Congress, 2nd sess., p. 12105 (Aug. 9, 1950).

[13] *Ibid.*, p. 12106.

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that he has good reasons for taking such action, and hence such an objection is an indication that the nominee would not be a suitable appointment.[14] The evidence, however, is to the contrary. Typically, a personal objection is entered when the objecting senator concedes that the nominee is fully qualified, which may or may not be openly stated. In opposing the President's nominations to the Illinois judgeships in 1951, for example, Senator Douglas stated that they were "worthy" or "eminent" men, and Senators Glass and Byrd admitted at the hearings on Judge Roberts of Virginia, whom they opposed in 1939, that he was fully qualified. In the Senate debate on the Jonas appointment in 1931, Senator Walsh, who supported the objection of Senator Bailey, stated: "There seems to be no serious question about the ability of Mr. Jonas as a lawyer nor as to his general character."[15] Similarly, Senator Reed said that the nominee was perfectly competent and that the President was justified in making the appointment.

In the Boyle case Senator Norris stated that he would vote for confirmation because the evidence indicated that Boyle was a leading attorney, fully qualified to be the federal district attorney in Nevada, but the Senate rejected him on the personal objection of Senator McCarran. These cases are typical of many others in which the Senate rejected a nominee who was generally recognized as being fully qualified for the office to which he was nominated, for reasons that had nothing whatever to do with his qualifications. In some instances, however, the objecting senator has attacked the nominee, asserting that he lacked the necessary qualifications or was an unfit person, but such attacks have usually been transparently political in nature, revealing the animus of the senator rather than verified evidence unfavorable to the nominee.

Often personal objections are due to the fact that the nominee is a political opponent of the senator voicing the objection. Thus Senators Byrd and Robertson of Virginia opposed the nomination of Martin A. Hutchinson of that state to be a

[14] See, for example, the statement of Senator Dill in the Jonas case, *Congressional Record*, 72nd Congress, 1st sess., p. 6728 (Mar. 23, 1932).

[15] *Ibid.*, p. 6711 (Mar. 23, 1932).

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member of the Federal Trade Commission in 1950. Mr. Hutchinson had formerly been a prominent member of the Byrd organization, and had been appointed by Senator Byrd, when governor of the state, to some of the highest and most influential offices in the state, but he had become a leader of the anti-Byrd faction and ran against Senator Byrd in the Democratic primary of 1946. In the Senate debate Senator Byrd discoursed at length on senatorial courtesy and the importance of the functions of the FTC, and advanced the preposterous proposition that the senators from each state should be the ones to decide whether a citizen of their state should be confirmed for a national office. "Quite naturally," he said, "the Senators from Virginia are in the best position of any Senators to advise on the fitness and qualifications of Mr. Hutchinson or any other Virginian who may be proposed for an important public office." The Senate voted 59 to 14 to reject the nomination, sustaining the objection, though the objecting Senators had carefully avoided using the customary formula.

In the contest over the Nordbye appointment in 1931 Senator Schall asserted that the nominee was his bitter enemy, and Senator McCarran made the same assertion in opposing the appointment of William S. Boyle in 1939. In the latter case, however, the nominee testified that he had always supported the Senator in Nevada politics, which was never refuted. In 1915 the Democratic Senate honored the personal objection of Senator Gallinger, a Republican, to George Rublee's nomination to the Federal Trade Commission. Rublee had managed the campaign of the fusion candidate who opposed Gallinger in the 1914 election, which the New Hampshire Senator asserted had been conducted in an offensive manner. After the Senate failed to act on the nomination, Wilson gave Rublee a recess appointment, but in 1916 he was rejected despite the fact that he was a person of the highest character and qualifications.[16]

A senator of the minority party may enter a personal objection to a nominee, and there have been numerous instances in which such objections have been sustained by the Senate. Since they cannot expect to control the federal patronage in their

[16] *New York Times*, May 16, 18, 23, 1916.

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states, however, they have little incentive to oppose the nomination of the President, and if they enter a personal objection, they are expected to indicate that the nominee is, in fact, personally objectionable to them. An objection by a minority senator is supposed to be based only on personal grounds, but in practice it is frequently difficult to distinguish between personal and political objections. Senator Gallinger's objection to George Rublee in 1915 appeared to be political, though the Senator asserted it was personal. Senator Long of Louisiana, who invoked the rule of courtesy on several occasions, succeeded in blocking the appointment of Ernest A. Burgieres as commissioner of the port of New Orleans in 1931, when Long was a minority senator, despite the fact that the objection was obviously political. The two Senators from Georgia were able in 1927 and again in 1928 to prevent the confirmation of William J. Tilson, who was nominated by President Coolidge to a district judgeship in that state, despite the fact that Tilson was endorsed by a practically unanimous bar and the Democratic Atlanta *Constitution* stated that he was an "able, fair, and impartial judge."[17] Their stated objection to the nominee, who was a brother of Representative John Q. Tilson of Connecticut, Republican leader of the House, was that he was not a resident of the district. He was later appointed to the customs court, and was confirmed without objection.[18]

Ordinarily a *personal* objection of a senator to a nomination does not indicate any unfriendly relations between the senator and the nominee. In a few instances, however, there has been personal animosity. Curiously enough, in the two most notable cases involving actual and justifiable animus, the Senate declined to honor the objection. Both, however, were raised by senators who were not held in high esteem by their colleagues. In 1938 the Senate confirmed the appointment of F. Roy Yoke to be collector of internal revenue of West Virginia over the

[17] *Hearings before a Subcommittee of the Committee on the Judiciary of the United States Senate, 69th Congress, 2nd sess., on the Nomination of William J. Tilson*, 1927, p. 43.

[18] *New York Times*, July 8, 1926; Feb. 9, 1927; Feb. 7, 1928. Tilson was given a recess appointment by Coolidge after his rejection in 1927.

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bitter opposition of Senator Holt of that state, who gave objections that were highly personal. At the hearing and again in the Senate, Holt related that as a youth he had heard the nominee, who was then the principal of a high school, say in a school assembly about the Senator's father: "Old Doc Holt ought to be lined up against a white wall and shot until his blood stained the wall." He went on to relate the bitter feud which had long existed between his family and that of the nominee, and that Mr. Yoke had also made highly uncomplimentary remarks about his mother. The assertions of the Senator, which were not disproved, constituted the strongest possible grounds for entering a personal objection to a nominee. In the Senate debate, Senator Bailey, who presented the report of the committee recommending against confirmation, stated that if these grounds were not sufficient, "Let us throw the rule of personal obnoxiousness out of the window, and never let it come back here again." [19]

Senator Neely, who sponsored the appointment of Yoke, defended his nominee against the objection, saying that these statements had been made during the First World War, when feeling ran very high in the state against Senator Holt's father, who had been the Socialist candidate for governor and had opposed the war. Because Senator Holt had on numerous occasions showed marked discourtesy to his colleagues, they declined to extend the rule of courtesy to him and voted 46 to 15 to approve the appointment.

A similar case was that of Edwin R. Holmes, who was confirmed for a judgeship on the Circuit Court of Appeals despite the bitter objection of Senator Bilbo of Mississippi. The contest was one between the two Senators from that state, with the President taking no part. The real reason for Senator Bilbo's objection to Judge Holmes, who had served for a number of years as a federal district judge, was that Senator Harrison had urged the appointment on the President and the Attorney General without conferring with him. Senator Bilbo declared that he had been "double crossed" and to the press he stated that

[19] *Congressional Record*, 75th Congress, 3rd sess. (daily edition), p. 470 (Jan. 11, 1938).

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he was "in the market for a colleague who will have some respect for me."[20] He did not rest his objection, however, on this ground alone. Since the judicial circuit included five or six states, a senator from any one of the states could not claim the right to name the person to be appointed to a vacancy, and hence an objection, especially from a junior senator, that he had not been consulted would not have been sustained. He based his objection on the ground that thirteen years earlier, when he was a candidate for governor of Mississippi, Judge Holmes had found him in contempt of court and sentenced him to serve thirty days in prison and pay a fine of one thousand dollars. This sentence, Bilbo declared, was intended to label him as a "jailbird", and to ruin his political career.

In a long and bitter tirade which took four hours and filled thirty-eight pages of the *Congressional Record*,[21] Senator Bilbo attacked Judge Holmes, charging him with "judicial incompetency and abuse unparalleled in the court of this country." On a later date, Senator Bilbo again addressed the Senate, attacking Judge Holmes for "unlawfully sentencing hundreds of people of Mississippi to the federal penetentiary for violations of the prohibition act."[22] Not content with attacking the nominee, Bilbo dragged before the Judiciary Committee at the hearings and before the Senate in the debate the fact that Senator Harrison had gone through bankruptcy as the result of unfortunate real estate ventures during the depression, connecting Judge Holmes with the case. This attack on Senator Harrison, who had long served in the Senate and was highly regarded by his colleagues, doubtless disgusted and offended the other senators.

The Judiciary Committee reported the nomination of Holmes to the Senate with a unanimous recommendation for confirmation. In the debate Senators Burke (Democrat) and Austin

[20] *New York Times*, Jan. 25, 1936. The following and other details were brought out in the *Hearings before a Subcommittee of the Committee on the Judiciary, United States Senate, 74th Congress, 2nd sess., on the Nomination of Judge Edwin R. Holmes*, January-March, 1936.

[21] 74th Congress, 2nd sess., pp. 3987-4024 (Mar. 19, 1936).

[22] *Ibid.*, pp. 10081-84.

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(Republican) termed Bilbo's charges against Holmes as "frivolous",[23] and stated that the sentence for contempt which Judge Holmes had imposed on Bilbo was merited by the facts. By a vote of 59 to 4 the Senate rejected the personal objection of Senator Bilbo and voted for confirmation of the appointment. In this case the Senate looked behind the charges and examined the facts, and found that they were not sufficient. It is significant to note, however, that the fight was not between the President and a senator, but rather between the two senators from a state, one of whom was an old and highly respected member, and the other a junior member who was not favorably regarded by his colleagues. A personal objection of a senator against the President is one thing, but against another senator is quite a different matter.

There have been a number of instances in which personal objections were made by senators from the South to the appointment of a Negro to an office located within their states. In 1903, during a recess of the Senate, President Theodore Roosevelt gave an interim appointment to W. D. Crum, a Negro, to be collector of the port of Charleston, South Carolina, fully aware that the appointment would be objected to by the senators from that state. When the Senate failed to act on the nomination at the following session, Roosevelt gave Crum another interim appointment and, when he was subsequently rejected by the Senate, appointed him to a position in the District of Columbia, to which he was confirmed.[24] There was a similar case when on March 2, 1923, the Senate, at the end of the session, rejected the nomination of Walter L. Cohen, a Negro, to be comptroller of the customs for the port of New Orleans, because of the objections of Senators Ransdell and Broussard of Louisiana. After Congress adjourned, President Harding gave Cohen a recess appointment, and the following autumn President Coolidge sent his name to the Senate again, only to have it rejected a second time on February 18, 1924, by a vote of 37 to 35. After a conference with Republican leaders, President

[23] *Ibid.*, pp. 4025-30.

[24] George H. Haynes, *The Senate of the United States* (Boston, 1938), pp. 775-76.

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Coolidge intimated that he would not submit another nomination, but upon adjournment of Congress would give Cohen another recess appointment.[25] A month later the Senate reversed itself and by a vote of 39 to 38 confirmed Cohen to the office which he had filled for a year without pay.

Offices to Which an Objection May Be Made

The rule of courtesy is ordinarily invoked only against appointments to offices located within the state of the objecting senator, such as judges, district attorneys, marshals, collectors of internal revenue, and others. It has also been invoked at times against nominations to national offices by a senator from the state of the residence of the nominee, but this usage is uncommon. Although in recent years it has repeatedly been stated on the floor of the Senate that the rule does not apply to national offices, the Senate in 1950 rejected Martin A. Hutchinson of Virginia, who was nominated to the Federal Trade Commission, because of the opposition of Senator Byrd. Illustrations of the application of the rule to national offices include the personal objection of Senator Hill of New York to the appointment of Messrs. Hornblower and Peckham to the Supreme Court in 1894, which prevented their approval, and the objection of Senator Gallinger to George Rublee, nominated by Wilson to the Federal Trade Commission in 1915. On several occasions the Senate in recent years has declined to honor a personal objection to an appointment to a national office. Thus the objection of Senators McKellar and Stewart to the reappointment of David Lilienthal to the board of the TVA in 1945 was not sustained. Senator LaFollette of Wisconsin invoked the rule of senatorial courtesy against the appointment of former Representative John J. Esch of Wisconsin in 1921 to the Interstate Commerce Commission, but the Senate confirmed him by a vote of 52 to 3. LaFollette's objection to Esch was due to the part which the latter had played in the passage of the railway act which bore his name. In an editorial commenting on the case, the *New York Times* stated that doubtless a senator who

[25] *New York Times*, Mar. 2, May 17, Dec. 11, 1923; Feb. 19, 26, 1924. See also Haynes, *op. cit.*, pp. 777-78.

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stood higher in the favor of the party would have been able to block the appointment.[26]

In passing upon a personal objection of senators to a nomination, the Senate takes into account the standing of the senator, as well as the grounds of his objection, and whether the office is one located within the state of the senator or is a national office. When the Senate has declined to honor an objection it is usually due to the fact that the objecting senator is not in good standing with his colleagues. Thus the Senate at various times rejected the objections of Senators Holt, Long, Bilbo, Brookhart, and the elder LaFollette when he had broken with the leadership of his party. A senator who has not shown the usual courtesies to his colleagues may be denied the courtesy of the Senate.

Defense and Criticisms of the Rule of Courtesy

In the extended discussion of the rule of senatorial courtesy during the Senate debate on the Jonas appointment in 1931, Senator Watson, the Republican leader, stated that since coming to the Senate he had always followed "the policy of voting against the confirmation of any man appointed to a federal position if and when a Senator from the State in which he lived rose in his place on the floor of the Senate and stated that the appointment was personally obnoxious and personally offensive to him."[27] In 1932 Senator Bingham stated:

> I believe that when a Senator from a sovereign state stands up on the floor of the Senate and states that a nominee is not fit to hold a certain office, is personally obnoxious to him, that it is my duty, believing as I do, to vote with him, no matter how many of my friends may feel differently about the matter.[28]

During the hearings on the nomination of Judge Floyd H. Roberts in 1939, Senator King of Utah declared that under no circumstances would he vote for "any nominee against the protest of the Senators from that state, where they state that the

[26] *New York Times*, Mar. 21, 22, Apr. 17, 19, 23, 1921.

[27] *Congressional Record*, 72nd Congress, 1st sess., p. 6727 (Mar. 23, 1932).

[28] *Ibid.*, p. 13487.

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nominee is personally objectionable to them." [29] And in the debate on the nomination of Daniel D. Moore in 1934, Senator Wheeler of Montana stated that if a senator of either party entered a personal objection against a nominee he would vote against his confirmation, and he would expect other senators to do the same for him.[30]

Senator McCarran entered a plea to his colleagues to sustain his objection during the debate over the Boyle nomination in 1939, asking: "When will the hour come when one of you will stand as I stand here, and what will be your request on that occasion?" [31] A similar plea was voiced by Senator Neely during the debate on the Yoke nomination in 1938, who requested his colleagues to sustain his prerogative as the "recognized patronage dispenser" in his state, and to reject the objection of Senator Holt.[32]

The rule of senatorial courtesy was defended during the debate on the Jonas appointment in 1932 by Senator Dill, who stated that he thought it unlikely that any member of the Senate would declare that a nominee was personally objectionable to him without having "reasons which would justify any fairminded man in considering him personally objectionable." [33]

A recent defense of the custom under which senators of the party in power are permitted to select the judges to be appointed in their states, and hence of the sanction of senatorial courtesy, was made by Senator Douglas when the two contested Illinois judicial appointments came before the Senate in 1951. Contending that the provision in the Constitution requiring the advice and consent of the Senate to appointments was not intended to be "lightly construed", he declared that "the Senate was expected to play an active part in selecting federal

[29] *Hearings before the Committee on the Judiciary on the Nomination of Floyd H. Roberts to be United States District Judge for the Western District of Virginia,* 76th Congress, 1st sess., 1939, p. 2.

[30] *Congressional Record,* 73rd Congress, 2nd sess., p. 5244 (Mar. 3, 1934).

[31] *Congressional Record,* 76th Congress, 1st sess., p. 8227 (June 29, 1939).

[32] *Congressional Record,* 75th Congress, 3rd sess., p. 321 (Jan. 11, 1938).

[33] *Congressional Record,* 72nd Congress, 1st sess., p. 6727 (Mar. 23, 1932).

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judges." He advanced also the contention which was heard in the Constitutional Convention that the senators would be better informed than the President concerning the qualifications of citizens of their own states.[34]

One of the strongest defenses of the custom was made by Senator Adams during the debate on the McKellar rider in 1938 to extend senatorial confirmation to all employees outside of the civil service who received salaries of $5,000 or over, who said that his experience with the members of the Senate had led him to have the highest regard for their integrity and public spirit.

> In the few places and at the few times I have had a chance to make appointments [he said], I challenge comparison of the efficiency and integrity of the appointees with the efficiency and integrity of men who have been appointed by administrative boards and bodies . . . . The other members of the Senate and I are responsible to the people.[35]

Senator Norris, who frequently opposed proposals for the extension of senatorial confirmation, as well as the rule of senatorial courtesy, on the ground that it results in patronage and places federal offices on the political "pie counter", retorted that this speech could have been made by "the leader of any political machine in the United States—a machine kept alive solely by patronage." Continuing, he said:

> When the Senator from Colorado or any other senator says he fixed up his appointments all right, and the appointees were all good men when he got through them, I desire to respond that if he should do that in all cases, and go to the extreme to which he ought to go in order to find out whether they are good men or bad men, he would not have any time . . . to do anything else in the Senate; he would be an office boy.[36]

Senator Norris declared that the system of patronage appointments of postmasters "smells to high heaven." Senator

[34] *Congressional Record*, 82nd Congress, 1st sess. (daily edition), p. 13101 (Oct. 9, 1951).

[35] *Congressional Record*, 75th Congress, 3rd sess., p. 2430 (Feb. 25, 1938).

[36] *Ibid.*, pp. 2430-31.

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McCarran inquired what the distinction was between the appointments of postmasters and of district attorneys, to which Norris replied that " both of them smell to high heaven." [37]

During the debate on the Jonas appointment in 1932, Senator Borah also condemned the rule of courtesy, saying that " there is only one safe rule the Senate can apply, and that is whether the nominee is a fit man to fill the place, not whether he is objectionable to someone." [38] In the debate on the same appointment Senator Hastings expressed grave doubts about the wisdom of the rule, saying that he did not " believe the people of this country are going to permit the personal pique of an individual Senator to defeat the nominee of a President for any office." [39]

In 1938 Senator Borah introduced a resolution calling for the discontinuance of the custom of senatorial courtesy as contrary to public policy. The resolution stated that nominations should be considered solely on the basis of the qualifications and fitness of the nominees, and that the practice which transfers the function of the Senate of passing on nominations to a single senator was in violation of the Constitution.[40] Senator Borah might have added in his resolution that senatorial courtesy also, in effect, transfers the function of nomination from the President to the senators of the individual states, provided they are of the same party as the President. His resolution was referred to the Rules Committee, and was never reported.

In 1942 Senator LaFollette said during the debate on a postmaster appointment in Wisconsin: " I have never since I have been a member of the body, raised the question of personal privilege and declared that a nominee is personally obnoxious to me, because I have never believed in that so-called unwritten rule of the Senate." [41] The following year Senator Hatch, in opposing the McKellar bill (S. 575) to extend senatorial con-

[37] *Congressional Record*, 75th Congress, 3rd sess., p. 5207 (Apr. 11, 1938).

[38] *Congressional Record*, 72nd Congress, 1st sess., p. 7434 (Apr. 5, 1932).

[39] *Ibid.*, p. 7432.

[40] *Congressional Record*, 75th Congress, 3rd sess., p. 361 (Jan. 12, 1938).

[41] *Congressional Record*, 77th Congress, 2nd sess., p. 7128 (Sept. 14, 1942).

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firmation to all employees receiving $4,500 and over, stated that when appointments have to be confirmed by the Senate, senators from the states affected actually make them, leaving the President with only a veto power. "The right to reject, which the Constitution vests in the Senate, has become the right to select." [42] Even stronger opposition to the rule of courtesy was also expressed by John Sharp Williams in 1921, when he declared in the Senate that he would resign his seat before he would vent his private spleen or voice his private enmity to defeat a nomination, "without being able and willing to give a public reason for his defeat." [43]

The Constitutional Issue

Discussions of the rule of the courtesy of the Senate have usually turned, not on its practical effects, whether the custom is in the public interest and how it affects appointments, but rather on whether it is authorized and is in accordance with the spirit and intention of the Constitution. The leading defense of senatorial courtesy made by Senator Elbert Thomas of Utah in 1939 in connection with the Roberts case, as well as the statement of Senator Douglas in 1951, stressed the constitutional issues. On the other hand, the leading attack on the custom, which was made by President Roosevelt in his letter to Judge Roberts in 1939, was likewise based on his interpretation of the Constitution. In the Roberts case the constitutional issues were sharply drawn, though the contest was strictly a partisan fight between the President and the Virginia Senators.

In the spring of 1938 the two senators from Virginia, on invitation of the Department of Justice, submitted the names of two persons whom they recommended for appointment to a new judgeship in western Virginia. The persons whom they recommended were both prominent members of the Byrd organization, and resided in Representative Flannagan's district, and had opposed him at the preceding election. Flannagan, who belonged to the anti-Byrd faction in Virginia politics, and who supported the New Deal, urged the appointment of Judge

[42] *Congressional Record*, 78th Congress, 1st sess., p. 5822 (June 13, 1943).

[43] *Congressional Record*, 61st Congress, 1st sess., p. 1454 (May 14, 1921).

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Floyd H. Roberts. Both of the persons recommended by the Senators, as well as Judge Roberts, were conceded on all sides to be eminently qualified.

Newspaper reports had been published in Virginia that spring to the effect that the President planned to turn over the federal patronage in the state to the anti-Byrd faction of the Democratic party, and that Governor Price would control it. When he heard this report Senator Glass wrote to the President asking if it were true, but Roosevelt declined to confirm or to deny it. He invited Glass to submit his recommendations as usual, but maintained that the President had the right to consult with anyone whom he chose, including "Nancy Astor, the Duchess of Windsor, the WPA, a Virginia moonshiner, Governor Price, or Charlie McCarthy."[44] When the interim appointment of Roberts was announced in the summer of 1938, the Virginia press termed it a "declaration of war" on the two Virginia Senators. Prior to the appointment Roosevelt wrote to the two Senators to advise them of his decision, justifying it on the ground that Roberts was the best-qualified man, and Glass immediately telegraphed that he would enter a personal objection if the appointment of Roberts came before the Senate. The President had a difficult choice to make. He had been asked to choose between the candidate proposed by the only member of the Virginia delegation who supported the New Deal program, Mr. Flannagan, and two persons recommended by the Virginia Senators who had consistently voted against the administration. Moreover, the two Virginia Senators had recommended two prominent attorneys, both of whom resided in Representative Flannagan's district and had opposed him.

At the hearing on the nomination Senators Byrd and Glass entered a personal objection to Roberts, charging that the President had turned over the federal patronage in Virginia to Governor Price, an anti-Byrd man. Senator Byrd testified that the nomination had been made for the "purpose of being offensive to the Virginia Senators."[45] The nomination was rejected by

[44] This quotation was contained in Senator Glass's statement to the press, Washington *Post*, Feb. 9, 1939.

[45] *Hearings before the Committee on the Judiciary, U. S. Senate . . . on the Nomination of Floyd H. Roberts*, Feb. 1, 1939, p. 45.

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the Senate without debate by a vote of 72 to 9, which was said to be the largest vote ever recorded against a presidential nomination.

The controversy over the case did not end with the Senate's rejection of Roberts. Two days later the President wrote a long letter to Judge Roberts, reviewing the case and commenting particularly on the constitutional issues, which led to much discussion throughout the country. Senators Glass and Byrd promptly issued replies to Roosevelt's letter, and editors and columnists joined in the public debate over the merits of the case. Stressing the point that no criticism whatever had been raised against Judge Roberts, President Roosevelt wrote him that he was the " unfortunate victim " of the unwritten rule of senatorial courtesy. Under this rule, which Roosevelt stated was not a part of the Constitution, the Senate " on somewhat rare occasions has rejected nominees on the ground of their being personally obnoxious to their Senators, thus vesting in individual Senators what amounts in effect to the power of nomination." In the present case, he went on to say,

> The Senators from Virginia have in effect said to the President— " We have nominated two candidates acceptable to us; you are hereby directed to nominate one of our candidates, and if you do not we will reject the nomination of anybody else selected by you, however fit he may be."

The rule of senatorial courtesy, he declared, amounts to a delegation of the confirmation power of the whole Senate to individual members, and has resulted in the rejection of men of outstanding ability, not because they were unfitted for office, but " on the sole ground that they were personally obnoxious to the Senator or Senators from the State from which they came." [46]

Senator Glass issued a blistering reply, in which he termed the President's letter " unprecedented ", " most extraordinary " and " inaccurate ". What the Virginia Senators objected to, stated Senator Glass, was " the delegated power of the President's political vice regent in Virginia to veto Senatorial nominations." The courtesy of consulting the senators of a state concerning

[46] The letter was published in full in the Washington *Star*, Feb. 8, 1939.

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nominations to federal offices in their state had existed for years, he declared, "and a reading of the debates shows that the writers of the Constitution intended it to be perpetual."

Senator Glass vehemently denied that the two Virginia Senators had in effect said to the President that they would oppose any nominee other than those whom they had recommended. "We were prepared to accept any capable man", he declared, "who was not deliberately intended to be offensive to us by himself, completely ignoring us and willingly making himself the beneficiary of an attempt to dishonor us in our State and among our colleagues." Senator Byrd declared that the power of appointment of district judges was divided equally between the President and the Senate, and neither should seek to exercise virtually the sole power in such appointments.[47]

On February 9 Senator Thomas of Utah challenged the assertion of President Roosevelt that the power of nomination under the Constitution rested exclusively with the President, and that he was free to consult with whomever he wished. Conceding that the phrase "advice and consent" historically meant simply an "affirmative vote", Senator Thomas maintained that in American constitutional practice it had come to mean that the President must secure the advice of the Senate before he submits a nomination.

> In regard to appointments [he said] it [advice and consent] has generally been interpreted as a dual action and the Executive has taken advice. He, of course, cannot take the advice of 96 Senators about appointments to office in 48 States; therefore, he must of necessity, take the advice of those who are close to the problem.

The President, he contended, has a "constitutional duty" to seek the advice of the senators of his party concerning appointments in their states, and "where possible" to accept it. He asserted that senatorial courtesy, although indefinable, is a "necessary development in the perfecting of an extra-Constitutional party practice in our federal system." For the President to act without the advice of senators, and without following that advice wherever possible, he maintained, is dangerous

[47] Washington *Post*, Feb. 9, 10, 1939.

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to the constitutional and extra-constitutional position of the President, and disruptive of party unity. Although the function of the Executive in some appointments had become at times " merely a perfunctory one ", he stated that this had never been true of the Senate, and warned that presidents will continue to be made and unmade by the actions of the Senate. With characteristic senatorial myopia, he declared that the Senate is " the only creature of the government which has remained continually in existence . . . [and] will remain that body around which Government will revolve." [48]

The contention of Senator Thomas that the President has a " constitutional duty " to seek the advice—that is, the nominations—of senators of his party for appointments in their states, and " where possible " to follow them, has several obvious flaws. The wording of the Constitution is that " The President . . . shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . ." The provision for the advice and consent of the Senate thus relates, not to the power to nominate, which is vested exclusively in the President, but is required before an appointment can be made. The phrase " advice and consent " historically has meant a simple action of approval or disapproval, and the debates of the Constitutional Convention indicate that it was so regarded when the section was adopted. That the power to nominate was vested solely in the President was maintained by Washington and has been so interpreted by presidents since that time, as well as by members of the Senate on various occasions. Hamilton wrote in the *Federalist:*

> It will be the office of the President to NOMINATE and, with the advice and consent of the Senate to APPOINT. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive, and oblige him to make another; but they cannot themselves CHOOSE—they can only ratify or reject the choice of the President.[49]

History has proved that Hamilton was in error in thinking that there would be no disposition on the part of members of the

[48] *Congressional Record*, 76th Congress, 1st sess., pp. 1284-85 (Feb. 9, 1939).

[49] No. 76. Emphasis in the original.

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Senate to urge appointments on the President, but his statement may be taken as a correct interpretation of the intention of the framers of the Constitution.

Another weakness in the contention that the Constitution requires the President to consult with the senators of each state about appointments within their states, and to nominate their candidates "wherever possible", is that the "advice and consent" requirement applies not to individual senators but to the Senate as a body. If this provision is interpreted to require the President to seek and follow the advice of individual senators about appointments within their states, the President would be required to consult with senators of the opposite party as well as those of his own party—something which no one has ever contended.

The practice of the President to consult with senators of his own party about appointments in their states is based on custom and party tradition—not on the Constitution. The President does not have a "constitutional duty" to consult members of the Senate of his party about appointments in their state and to accept their candidates, but he faces the practical necessity for doing so or else have his nominations blocked in the Senate. Constitutionally, the President is free to consult with whomever he wishes, and to nominate without regard to the wishes of individual members of the Senate.[50] The custom which requires the President to consult with senators of his own party leaves him some discretion and room for negotiation and accommodation. To hold that the President has little or no discretion, but has a constitutional duty to nominate the person recommended by the individual senator or senators from the state where the office is located, would, in effect, turn the nominating power over to the individual senators, and make the function of the President truly perfunctory. It would destroy any semblance of responsibility for appointments—the prime consideration of the constitutional framers in vesting the appointing power in the President.

[50] Washington made this quite clear in a sharp rebuff to Senator James Monroe (later President) when Monroe advised against the appointment of Hamilton to negotiate a treaty with England. Washington, *Writings*, vol. XXXIII, pp. 320-21.

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Conclusions

The objections to the rule of senatorial courtesy are weighty. It is the sanction by which members of the Senate of the party in power are able to dictate appointments to federal offices within their own states, and, in effect, transfers the nominating function for these offices from the President to the individual senators of his party, leaving the President with only a veto on the choices of the senators. It is the means by which patronage appointments are retained for subordinate federal officers who should be placed under the regular career service, selected by the departmental officers to whom they are responsible.

The effects of political selection of the heads of federal field offices in the Treasury, Justice, and Postoffice Departments, which is based on senatorial courtesy, have been serious, as the current scandals in the Bureau of Internal Revenue abundantly indicate. These scandals have brought to light conditions of graft, political influence, bribery and maladministration which have existed for years and were partially revealed by earlier investigations. In most instances these conditions are directly traceable to the patronage selection of the local collectors and their chief assistants, though the latter were covered under civil service ten years ago. These shocking revelations of political spoils are proof enough that political appointments are bad appointments, regardless of whether the patronage is dispensed by the President, the senator, or the local political leaders.

For many years local collectors of internal revenue and customs, marshals, and district attorneys have been selected for their service to the party or to the senator, with little regard to the duties and responsibilities of the office which they fill. Despite the pseudo civil service examination now required, postmasters are still selected by the congressmen of the party in office, and in districts represented by the opposite party, the selection is made by a senator or the local party leaders. This system of using the heads of important field offices as party spoils has grave drawbacks. Often the offices are treated largely as sinecures, with assistants doing the work of the head. The politically selected heads owe their allegiance and loyalty, not to their administrative superiors, but to their political sponsors.

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The retention of patronage appointments for these officers greatly limits the opportunities within the several services for career employees to advance through merit to higher positions. Fortunately, this method of appointment of the heads of field offices has not been extended to other federal departments whose field services have been established more recently.

The results of political appointment of local federal judges have also been unfortunate, though higher standards are maintained than for other field officers appointed in this manner. The system as applied to the judiciary works reasonably well in those states where the senators and the party leaders are mindful of the high standing and qualifications which should be required for judicial appointments; in other states it has produced quite unfortunate results.[51]

It is quite unlikely that the Senate will ever discard the rule of senatorial courtesy by formal resolution, as was proposed by Senator Borah in 1938. For a period it appeared that the Senate would limit the use of the rule by requiring objecting senators to state their reasons, and sustain the objections only if they were found to be sufficient, but in the last several years the trend has been in the opposite direction. In 1950 and again in 1951 the Senate sustained objections to the *method* of the President's nomination, which is virtually equivalent to the former practice under which the objecting senator was required only to state that the nominee was " personally obnoxious " to him. In 1950 for the first time in many years the Senate rejected a nomination to a national office because of the political opposition of the senators of the nominee's state.

The reform needed today is to take the appointment of the heads of local federal offices out of politics, and to provide for their selection from the regular, career civil service. This is already the general rule in most departments and services, and the retention of patronage appointments of field officers in the older services is an anachronism. The selection of local federal judges, however, presents a different problem, for obviously they cannot be placed under the civil service. President

[51] The effects of senatorial courtesy on judicial appointments are discussed at length in my forthcoming book on *The Advice and Consent of the Senate.*

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Hoover's attempt to elevate the standards of judicial appointments under the present system proved to be rather futile. It is assumed that the Senate would be unwilling to give up its right to pass upon judicial appointments, and it may be questioned whether it could do so under the Constitution. The solution would not appear to be to give the President an uncontrolled discretion in the appointment of judges, which might lead to worse results. It is suggested that the solution lies rather in the creation of a commission on judicial appointments, whose function it would be to review the qualifications of persons under consideration for judicial appointment, to prepare panels of qualified persons, and to advise the President. Such a commission should be one of great standing and prestige, preferably headed by the Chief Justice, and consist of judges selected from each level of the federal bench, the Attorney General, and representatives of the bar, the leading law schools, and the public. In the course of time, a commission of this kind should be able to elevate the standards for judicial appointments and go far toward taking them out of politics.[52]

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[52] This suggestion was advanced by Harold Laski in his *Studies in Law and Politics* (New Haven, 1932), pp. 163-80.

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REFLECTIONS ON THE FRENCH REVOLUTION *

EVERY schoolboy, as Macaulay would say, knows that there was such a thing as the American Revolution. He probably even knows that it took place in 1776. It is likely that every schoolboy, even nowadays in the United States, has at least heard of the French Revolution. Many would correctly associate it with the year 1789. But it would be a learned schoolboy who could name any other revolutions that took place at this same time. And if, after mentioning the American and French Revolutions, our imaginary youthful friend became puzzled and silent when further questioned, it would not be his fault. We historians would be to blame. We have not sufficiently impressed one of the momentous facts of our history upon the popular or schoolboy consciousness, which is the historical consciousness that really matters, since it eventually becomes the historical consciousness of Senators, ECA Administrators, delegates to the United Nations, editorial writers or spokesmen for the Voice of America. I refer to the fact that the whole Atlantic civilization was shaken by revolution a century and a half ago.

Too often we think simply of a " French " Revolution, which then " expanded " to much of Europe. Edmund Burke, implacable enemy of this revolution, knew better. In 1796, after four years of war, he saw the old Europe collapsing under French republican victories. " It is not France extending a foreign empire over other nations," he wrote; " it is a sect aiming at universal empire, and beginning with the conquest of France." [1] If, for " sect ", we read " certain restless spirits disaffected with the old régime " the statement describes the condition of Europe, and America, in the decade of the 1790's.

* The present article is based on a lecture given at the University of Missouri on March 29, 1951. The author is much indebted to members of graduate seminars at Princeton.

[1] *Letters on a Regicide Peace* (1796) in R. J. S. Hoffman and P. Levack (editors), *Burke's Politics* (New York, 1949), p. 462.

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Burke died in 1797, terrified by the fear that all Europe, including most emphatically Great Britain, was about to be swept into revolution. Revolution broke out in Ireland in 1798. Dutch historians speak of revolution in the Netherlands in 1795, when the Batavian Republic was founded, and of a more radical movement of 1798. The Swiss feel that they were revolutionized in the Helvetic Republic of 1798. Italian writers speak of revolution in Milan in 1796, in Rome in 1797, in Naples in 1798. The Cisalpine, Roman and Parthenopean republics were the outcome. The Poles struggled to form a new state before, during and after the Partitions of 1793 and 1795. In the German Rhineland there were some who demanded annexation to France, or, that failing, the establishment of a revolutionary "Cisrhenane" or Rhineland Republic.[2] Elsewhere in Germany the disturbance was largely ideological. The philosopher Fichte, an ardent revolutionary thinker, found it "evident" in 1799 that "only the French Republic can be considered by the just man as his true country."[3] The city of Berlin was notably pro-French. In Spain revolution was no great menace, but the Catholic King, the Bourbon Charles IV, was reported by an eyewitness, in 1799, to wear a white satin vest on which was printed the constitution of the French Republic.[4] In Greece, in 1797, delegates from Athens, Crete, Macedonia and other parts of the Greek world met at a secret conclave in the Morea; they planned an uprising of all Greeks against the Ottoman Empire, if only the French would send weapons, ammunition and a few units of the French army.[5]

And at the other extremity of the Atlantic civilization, in the then thinly settled American Middle West, long after the Terror in France is supposed to have brought Americans to their senses, there was still so much pro-French feeling, so much

[2] Jacques Droz, *La Pensée politique et morale des Cisrhénans* (Paris, 1940).

[3] *Idem, L'Allemagne et la Révolution française* (Paris, 1949), p. 279.

[4] Beatrice Hyslop, "French Jacobin Nationalism and Spain", in *Nationalism and Internationalism: Essays Inscribed to Carlton J. H. Hayes* (New York, 1950), p. 234.

[5] A. Dascalakis, *Rhigas Velestinlis: La Révolution française et les préludes de l'indépendance hellénique* (Paris, 1937), p. 15.

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democratic, republican, anti-Federalist sentiment, so much inclination to separatism or secession, to break away from the allegedly aristocratic East, that the outgoing president, George Washington, in his Farewell Address, earnestly begged his Western countrymen to put their trust in the United States. In 1798 the folk hero, George Rogers Clark, holding a commission as brigadier general in the army of the French Republic, attempted (for the second time) a secret recruiting of Kentuckians to invade and "revolutionize" Louisiana, which was then Spanish, and meant the whole territory west of the Mississippi. Blocked by an unsympathetic United States government, he fled to St. Louis. Here, a thousand miles up the winding Father of Waters, on the outermost fringes of the civilized world, there was a society of French *sans-culottes* to receive him.[6]

All these agitations, upheavals, intrigues and conspiracies were part of one great movement. It was not simply a question of the "spread" or "impact" or "influence" of the French Revolution. Not all revolutionary agitation today is inspired by the Kremlin, and not all such agitation in the 1790's was due to the machinations of revolutionary Paris. It is true, and not without contemporary significance, that persons of revolutionary persuasion, that is, active and convinced republicans, were everywhere a minority, and that they managed to install revolutionary régimes only where they could receive help from the French republican army. The same is probably true of France itself in the 1790's. The point, at present, is simply that revolutionary aims and sympathies existed throughout Europe and America. They arose everywhere out of local, genuine and specific causes; or, contrariwise, they reflected conditions that were universal throughout the Western World. They were not imported from one country to another. They were not imitated from the French, or at least not imitated blindly. There was one big revolutionary agitation, not simply a French Revolution due to purely French causes, and foolishly favored by giddy people in other countries.

[6] Arthur P. Whitaker, *The Mississippi Question 1795-1803* (New York, 1934), p. 155.

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For this one big agitation there is no name, but it may be called the Great Democratic Revolution. A few definitions are in order, because many misunderstandings are possible. Revolutionary democracy is not the same as established democracy. The " democrat ", in the established democracies of 1951, is one who abstains from violence within the state, marches peaceably to the polls, selects between candidates offered by freely competing political parties, and returns home to await the announcement of the majority decision, which he accepts as the rule of law until it is changed by the same procedures. There is furthermore, in an established democracy, the thought that virtually all adults may freely vote, and that the majority is a majority of all who vote, counted numerically. Such democratic behavior, when it works, is far from revolutionary, because it works only if all parties agree to it, and it works best when it is inherited and taken for granted.

Believers in democracy today, emphasizing peaceable elections, universal suffrage and majority rule, sometimes reject the claim made by or for the revolutionaries of the 1790's to be democratic. It is a little as if we refused to call Calvin a Protestant because he failed to resemble a modern Presbyterian minister. Calvin was a fighter, an intolerant fanatic; so were some of the " democrats " of the 1790's. There has been a tendency, in recent American historical usage, to use the terms " Jacobinism " or " Jacobin nationalism " for revolutionary democracy.[7] This use of " Jacobin ", as of " nationalism ", is little known outside the United States except in highly partisan writings. It probably derives from the pioneering work of Crane Brinton and Carlton J. H. Hayes, from which much has been learned,[8] but a continuing overuse of such terms results in an obscuring of the issues. It suggests that " Jacobin nationalism " was an

[7] See Miss Hyslop's article cited in note 4 above; the editors' introduction to *Burke's Politics* cited in note 1 above; Crane Brinton, *A Decade of Revolution* (New York, 1934); and the writings of some of Hayes's students, such as G. G. Van Deusen, *Sieyès: His Life and His Nationalism* (New York, 1932), and J. M. Eagan, *Maximilien Robespierre: Nationalist Dictator* (New York, 1938).

[8] Crane Brinton, *The Jacobins: An Essay in the New History* (New York, 1930), where the term is restricted to actual members of the club; C. J. H. Hayes, *Historical Evolution of Modern Nationalism* (New York, 1931).

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anticipation of totalitarianism rather than of democracy. This is not the last word of historical wisdom on the subject, though it is true that the histories of democracy and of totalitarianism are interrelated.

The " Jacobins ", after all, were members of a well-known club, called successively the Friends of the Constitution and the Friends of Liberty and Equality. This club was closed in November 1794; thereafter very few French republicans accepted the name " Jacobin " for themselves. It became almost purely an epithet. It is still a good rule, in the interests of nonpartisanship, to avoid calling people by names which they do not accept. Sensible conservatives understood this at the time. Mounier, who detested the Jacobins, observed that there was a Jacobinism of aristocracy or of religion as well as a Jacobinism of democracy—the term meant to him an unscrupulous willingness to use force against one's opponents.[9] An American Federalist noted in 1803:

> " Jacobin " is too offensive to obtain currency as a universal name, and excepting to the leaders of the [democratic-republican] party, unjust; the appellation of republican is claimed in common by both parties, and therefore is not the least discriminative; whereas *democrat*, being the name taken by themselves and liable to no objection on our part, is that which alone should be used in writing of our political opponents.[10]

People then knew that they differed and fought over " democracy ". A genteel tradition suppresses this fact today. It is more acceptable nowadays to say unpleasant things about " Jacobins " than about " democrats ". It is more edifying to look for the origins of modern democracy, not in the horrors of revolution, but in the " classical and Christian tradition ", in the works of Thomas Aquinas or the slow growth of British parliamentary institutions.

What, then, was revolutionary democracy as distinguished from established democracy? Since history is not logic, it actu-

[9] J. J. Mounier, *De l'influence attribuée aux philosophes, aux franc-maçons et aux illuminés sur la Révolution de France* (Paris, 1822), p. 122—first edition, 1802.

[10] Quoted by D. R. Fox, *Decline of Aristocracy in the Politics of New York* (New York, 1919), p. 87.

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ally clarifies the issue to adopt a vague and comprehensive definition. The basic idea was vague and comprehensive at the time. Revolutionary democracy, in the 1790's, was an overmastering and obsessive belief in the Sovereignty of the People. It was a popular idea, or rather an *idée-force*, a mixture of thought and feeling, an impulse motivating action, and a theory by which action was rationalized.[11] It appeared at all social levels, from rich to poor, and from the most educated to the least. It was not derived from books, though Rousseau of all writers had best expressed both the theory and the feeling. In intensity of feeling, in the number of persons who felt it, and in the range of specific matters to which it was applied, the idea of the Sovereignty of the People was something new. It was not the same as the idea, for which medieval and ancient exponents could be found, that government rose out of and represented the community. It was new, and revolutionary, in that it really meant Sovereignty, that is, absolute lawmaking or norm-setting power, and it really meant People, that is, the whole population considered in its relation to public authority.

The Sovereignty of the People, like Luther's priesthood of all believers, meant different things to different persons from the beginning, and was more passionately insisted upon at the beginning than it was later. It appeared as the power supposed to create government: in America in 1776 it is the " people " who " alter or abolish " government; in 1787 " we the people " establish a constitution; the French, in 1789, declare that no form of public authority is legitimate unless it " emanates expressly from the nation ", that is, the people. Not merely government, but any public authority, is in question. Hence the public authority of churches and of feudal personages is undercut. To Frenchmen who thought themselves good Catholics, in 1790, it seemed reasonable and obvious for " citizens " to choose bishops and priests by election.[12] Indeed the Sovereignty of the People

[11] J. Belin, *La Logique d'une idée-force: L'idée d'utilité sociale et la Révolution française* (Paris, 1939).

[12] As provided in the Civil Constitution of the Clergy, 1790. It is less generally known that the resulting constitutional (and schismatic) church remained internally divided for ten years by a kind of democratic movement (called " presbyterianism " by Catholic writers) which asserted the powers of parish priests against

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soars even higher; in 1794, by solemn pronouncement, "the French people recognizes the existence of the Supreme Being and the immortality of the soul." [13] The same *idée-force* breaks into economics. In the American and the French Revolutions, and in the accompanying Belgian, Dutch, Swiss and Italian movements, the "people" confiscates the property of kings, governments, clergy, *émigrés* or counterrevolutionaries, to resell it to individuals as private property; but there are also, in 1796, a few extremists, like Babeuf and Sylvain Maréchal, who believe that the people should really possess all productive wealth under national ownership. "People of France!" wrote Sylvain Maréchal. ". . . . We aspire to the COMMON GOOD or the COMMUNITY OF GOODS." [14] This was thought exaggerated at the time, but it followed as logically as anything else from the Sovereignty of the People.

Politically, the Sovereignty of the People was equally undifferentiated. It might go with constitutional monarchy or with republicanism, though in practice it led to republicanism because few monarchs were yet willing to be constitutional. It

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the constitutional bishops. See E. Préclin, *Les Jansénistes du dix-huitième siècle et la Constitution Civile du Clergé* (Paris, 1929); and more currently, in the *Annales historiques de la Révolution française,* janvier-mars, 1951, an article on "Le presbytérianisme dans les conciles de 1797 et de 1801", by the Abbé Jean Boussoulade, who (p. 24) speaks of "these presbyterian tendencies given a new vigor by the democratic current." To the conservative *émigré,* Cardinal Maury, in 1800, it seemed that the French constitutional clergy was "intoxicated with presbyterianism and democracy." André Latreille, *L'Église catholique et la Révolution française* (Paris, 1950), vol. II, p. 14. The connection (or guilt by association) between religious and political radicalism is suggested by Fichte, when in 1799 he protested against the accusation of being an atheist: "The motive of the charge is clear; it is notorious . . . . In their eyes I am a democrat—a Jacobin, in a word. Any horrors, without proof, can be believed of such a man. Against him any injustice is permitted. It is not my atheism that they are hunting down, it is my democratism." Droz, *L'Allemagne et la Révolution française,* p. 272.

[13] Decree of the National Convention Establishing Worship of the Supreme Being, May 7, 1794. See J. H. Stewart, *Documentary Survey of the French Revolution* (New York, 1951), p. 526.

[14] Sylvain Maréchal, *Manifeste des égaux* (1796). This communistic manifesto was not formally approved by the Babeuf group, for fear of alarming the "straight" democratic or old Jacobin element, on whose support they were counting. See G. Walter, *Babeuf* (Paris, 1937), pp. 192-96.

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might signify the republic of Hamilton or of Jefferson, of Robespierre, the Directory or General Napoleon Bonaparte. It might or might not be "national". Revolutionists in Milan proclaimed the Sovereignty of the People—of Lombardy.[15] There was a "sovereign people" of the state of Virginia, rather more than of the United States. To Brissot or Thomas Paine the people of the whole world were sovereign, about to rise, so they hoped, in a universal upheaval. The democratic idea of the Sovereignty of the People might, or might not, imply the further democratic idea of universal equal suffrage. Upholders of popular sovereignty, in both Europe and America, feared to give the vote to the poorest classes. Such fears were sometimes antidemocratic, but sometimes they were not; in Europe, if not in America, the mass of the population, if given the vote, would in all probability have voted itself straight back into the old régime. The Sovereignty of the People did not, in fact, necessarily connote voting or parliamentary procedures at all. It did not do so for Rousseau, nor for Fichte. Under revolutionary conditions the basic idea was not yet institutionalized, the driving impulse was not yet channeled. There was much experimenting with direct democracy. Some said that local assemblies of citizens, local municipalities, "communes", patriotic clubs, surveillance committees, correspondence committees, voluntary national guards, or the soldiery of citizen armies when led by patriot generals more truly expressed the Sovereignty of the People than formally elected representative bodies. Insurrection itself was considered a popular manifestation; if there is a riot in Paris, whether against the king in 1789 or against the elected Convention in 1793, it is the "people" that has risen—*le peuple est debout!* Probably the same psychology of direct democracy could be found in Shays' Rebellion or the Whiskey Rebellion in the United States. All such were manifestations of the still undifferentiated democratic impulse. It would unduly formalize the subject to exclude such anarchic tendencies from the history of incipient or revolutionary democracy.

[15] B. Peroni, "La passione dell' independenza nella Lombardia occupata dai Francesi: 1796-97", in *Nuova rivista storica*, vol. XV (1931), pp. 67, 76.

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Vague, comprehensive, undifferentiated, as yet unimplemented by specific institutions, the notion of popular sovereignty or of "democracy" in a broad sense was widespread at the close of the eighteenth century throughout the Atlantic world. Vague as it was it had everywhere common features. Beneath all the class struggles, nationalisms, trade wars and religious quarrels that confused the issue lay a common denominator. A few simple ideas were felt from the banks of the Mississippi to the far interior of Europe.

The fundamental idea, or feeling, was that government and governed should be made up, so to speak, of interchangeable parts. The citizen of today might be the official of tomorrow, and the official of today might find himself abruptly retired to private life. There is no such thing, in this philosophy, as one kind of men who are normally and permanently the guardians or leaders of the others. There is no fixed ruling élite, whether based on heredity, property, wisdom, merit, special training or anything else. In religion, clergymen are merely agents for such persons as may wish to share their opinions. Government officials have only delegated and temporary powers. The right to rule should not be a badge of honor, a symbol and consequence following upon a certain status in society, a responsibility to be proudly if painfully assumed by the few on behalf of the many, as commonly maintained at the time in aristocratic circles. Nor should offices in church or state be regarded as a dignified source of income, more honorable than the work of tradesmen, as again commonly believed among the better born. Nothing so infuriated the democrat as the thought that anyone else had the duty to look out for his welfare. And nothing so annoyed the old guardians of society as much as the notion that ordinary people should look out for themselves, or decide to whom to entrust this dubious burden. "What then, young man," said Judge Cooper in upstate New York in 1792, "you will not vote as I would have you—you are a fool, young man, for you cannot know how to vote as well as I can direct you, for I am in public office!" [16] If this was the attitude in the primeval wilderness of New York, in the supposed democratic

[16] Fox, *op. cit.*, pp. 140-41.

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paradise of the American frontier, one may conjecture the astonishment of the squires and J. P.'s in England; the patrician oligarchs of the Netherlands, the old Swiss cantons and the Italian city-states; the lords, nobles, *seigneurs* and gentry possessed of docile tenants; the shepherds of religious flocks of various denominations; the trained bureaucrats and civil servants of the great monarchies, not to mention the monarchs themselves, at the preposterous affirmation that people did not need or want their advice.

This unsettling idea, where circumstances were somewhat special, embodied itself in downright and actual revolution. This had happened in America in the years around 1776, and there were many Americans twenty years later who believed the revolution to be uncompleted. It happened in France in 1789. Elsewhere the idea, by itself, produced only a strong susceptibility to revolution. It made people dissatisfied with the closed oligarchies under which they lived, ready to welcome invading French republican armies as necessary instruments, believed to be temporary, for the forcible overthrow of the old governing groups. Hence arose, between 1795 and 1798, a family of sister republics both projected and actual—Cisrhenane, Cisalpine, Batavian, Lemanic, Helvetic, Ligurian, Roman, Parthenopean. If a French army had landed in Ireland, as almost happened in 1797, a Hibernian Republic would have surely followed. Nor was the infant United States immune to such possibilities. Considering the popular furor over the Alien and Sedition Acts, and considering the separatism implicit in the Virginia and Kentucky Resolutions, penned at a time when the United States was in a state of undeclared war with France, it is not unthinkable that if French troops had appeared at New Orleans, proclaiming liberty and equality, a certain number of Americans would have seized the opportunity thus afforded, and set up some kind of Mississippi Republic—one cannot think of an appropriate classical name.[17]

The one big agitation, the Great Democratic Revolution of which the American and French Revolutions were aspects, has

[17] This seems consistent with F. J. Turner's opinion. See his article, "The Policy of France toward the Mississippi Valley in the Period of Washington and Adams", in *American Historical Review*, vol. X (1905), pp. 249-79.

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not been too well served by historians. Somehow it has not been brought into focus in our historical picture. We know about it, indeed; but we have not realized it. This is due in part to the habit of writing history in national units. There are excellent studies of the Jacobin Clubs in France, of the democratic-republican societies in the United States, of the correspondence societies in Great Britain, and we know that there were similar political clubs, at the same time, in Amsterdam, Mainz, Milan and elsewhere.[18] But there is no study of such clubs as a whole, comparing their membership, their methods or their stated aims. The approach by way of "international relations" is hardly more satisfactory, since international relations are really national relations in which nations figure as the units. The greatest of all works on the subject, Sorel's *L'Europe et la Révolution française*, which alone has undertaken to grasp the "one big agitation" in its full magnitude, still perhaps suffers a little from its concentration on diplomacy and war. It is true that the French exploited revolutionism in other states for military and strategic ends. But there was more to it than that, as, indeed, Sorel was well aware.

There are hazards also, for the understanding of the revolutionary movement, in either a conservative or a liberal viewpoint. Whether we look through liberal spectacles, mildly tinctured with an innocent pink, or through more conservative spectacles with a faint true blue of Toryism, we may find the picture a little discolored. In the former, or liberal, case, we may deplore the suspension of *habeas corpus* by William Pitt, or the enactment of the Alien and Sedition Laws in the United States; we may think of such measures as witch-hunting, or looking under the bed for burglars who were not there. The reality of revolutionary sentiment, in Europe and America in the 1790's, thus tends to vanish. Or we may lose patience with

[18] Brinton, *Jacobins;* L. de Cardenal, *La Province pendant la Révolution: Histoire des clubs jacobins* (Paris, 1929); E. P. Link, *Democratic-Republican Societies, 1790-1800* (New York, 1942); Robert Birley, *The English Jacobins from 1789 to 1802* (London, 1924); P. A. Brown, *The French Revolution in English History* (London, 1918). For other countries the material is abundant, but data on the specific question of the clubs must be extracted from the monographs and source collections. Link's book, on the United States, does attempt an international comparison.

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the First French Republic, and even more so with the Batavian, Helvetic, Cisalpine, Roman and other republics which arose beside it; we may dismiss them as military creations, resting on force or chicanery and eventuating in Bonapartist dictatorship. Let us remind ourselves that the liberals of that time were less delicate in their sensibilities. Foxite Whigs continued for years to sympathize openly and plainly with the French revolutionaries, long after England had gone to war with France. Jeffersonian democrats remained pro-French despite conflict between the French and American governments. Andrew Jackson, destined for much democratic fame, rejoiced in 1797 that England might soon become a free republic under the "conquering arm of Boneparte [*sic*]."[19] Jeremy Bentham used his honorary citizenship in the French Republic to cast a vote for the life consulship of Napoleon Bonaparte in 1802.[20]

If we put on the bluish or mildly conservative spectacles, what do we see? The picture is not greatly different, for the glasses we are trying on are only faintly tinted; really extreme views are not in question. But in the bluish light, which pervades many excellent historical works, such as that of Sorel already mentioned, or of Crane Brinton in this country, our revolutionary characters begin to behave a little strangely. One would suppose that there were no issues, but only a flighty state of mind. The revolutionists are "fanatics"; the revolution is a "fever", rising, raging and finally falling; the republican principles are "Jacobinism", and "Jacobinism" is a "madness".[21] Somewhat similarly, in the work of Charles Downer Hazen, fifty years ago, the Americans who in 1793 and 1794 sympathized with France are represented as victims of a mass hysteria.[22] In this view it was doctrinaire radicalism that kept the world in a state of war and turmoil. It is true, of course,

[19] Whitaker, *op. cit.*, p. 101.

[20] Jules Deschamps, *Les Îles britanniques et la Révolution française* (Brussels, 1949), p. 51.

[21] *Cf.* Brinton, *A Decade of Revolution*, pp. 63, 120, 123, 143, 159; and his *Anatomy of Revolution* (New York, 1938) for the fever-image.

[22] *Contemporary American Opinion of the French Revolution* (Baltimore, 1897). Contrast more recent writers like Link, *ob. cit.*

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that the revolutionaries and their sympathizers became very excited.

But a great many reasonably conservative people at the time, intelligent observers, considered the revolutionary behavior perfectly rational. They no more blamed the continuance of war and revolution on the revolutionaries than on obstinate counterrevolutionaries who opposed and tried to crush them. Mallet du Pan, no visionary, declared in 1793 that "every European is today engaged in this last struggle for civilization." By civilization he meant the preservation of certain values of the Old Régime. But he blamed the violence in France on the obstinate counterrevolutionaries, whose interminable threats and blind reaction, he noted, gave the great middling mass of the French people no choice except to follow the republican extremists.[23] Calonne, whose reforming efforts of 1786 and 1787 had opened the way to revolution (through aristocratic opposition), and who subsequently lived in England as an *émigré* of constitutional monarchist views, protested from the bottom of his soul against the die-hard royalists who would yield nothing.

> No, it is not for the poor remains of a life that has become indifferent to me, it is not for my house and property to which I have without regret bidden an eternal farewell, that I *cry out* against obstinate and irreconcilable zealots; but it is for the welfare of a State which they ruin by their blind infatuation . . . ; it is for the millions of citizens whom they sacrifice to their stubbornness . . . . I *cry out* against them because they are not intentionally, but in fact, the enemies of our country which I love, and the friends of despotism which I abhor . . . .[24]

A German journalist, Karl Julius Lange, closely agreeing with the Foxite Whigs, blamed William Pitt and British ambitions for the prolongation of war and consequent spread of revolution.[25] Even the Prussian Army disapproved of the war

[23] *Considérations sur la nature de la Révolution de France, et sur les causes qui en prolongent la durée* (London, 1793), pp. v and 70-75.

[24] *Political State of Europe in 1796* (London, 1796), pp. xii-xiii.

[25] *Deutsche Reichs- und Staatszeitung* (Bayreuth), e.g., for Jan. 24, May 2, May 5, July 18, Oct. 10, 1797.

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against republican France. Many generals demurred, and even a Kleist called the war "execrable".[26] To the British diplomat James Harris, later Earl of Malmesbury, it seemed that "there is a strong taint of democracy among officers and men" in the Prussian Army, and "a dislike of the cause for which [in his opinion] they ought to be fighting."[27] Prussia and Bourbon Spain were among the first Powers to recognize the regicide French Republic. In Italy, in 1798, as the French republican armies poured into his diocese, the Bishop of Imola, as a pacifying gesture, announced that "the democratic forms now adopted among us . . . are not inconsistent with the Gospel."[28] The Bishop of Imola soon became Pius VII. The idea that European conservatives of the time all resembled Edmund Burke is exaggerated. Many showed more understanding of revolutionary democracy, and more willingness to recognize it as democracy, than some historians since.

No one should deny that the revolutionary democrats used force. Nor need it be denied that they were doctrinaire and aggressive. But much the same is true of the counterrevolutionary opposition. Royalists and *émigrés* were ready enough to use force on their own side. Conservatism, for many, froze into the doctrinaire constructions of Joseph de Maistre or of Burke's later writings. Burke was surely a "fanatic" on the subject, quite as much as Robespierre; and so was a certain clergyman of Medford, Massachusetts, David Osgood, who believed that all American "democrats" were tools of France, that the French "monsters" had massacred 2,000,000 people, including 250,000 women and 230,000 clergymen, and that mothers had their hands cut off as they pleaded for their children.[29] Revolution is like war. It is a violent clash between two or more groups over the structure of the whole society to which each belongs. The issue is one of power, and its resolution depends upon force. Both sides fight. Each hates and

[26] Droz, *L'Allemagne et la Révolution française*, pp. 86-88.

[27] G. P. Gooch, *Germany and the French Revolution* (London, 1920), p. 400.

[28] Latreille, *L'Église catholique et la Révolution française*, vol. II, p. 4.

[29] Link, *op. cit.*, p. 198.

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fears the other. Real questions are at stake. It is not simply a matter of psychology. Much depends upon which side wins. The whole future is involved. Ways of life are set for decades toward one course or another. We may indeed write the history of a war in which we constantly deprecate the resort to violence, regret the loss of individual liberties, comment on the bad feeling between the combatants, and note how all other pursuits become subordinated to one single overwhelming end. We would not thereby much elucidate the war. We would only be saying that we preferred peace. So it is with a revolution.

There is another mental hazard in the way of our seeing the great revolution of a century and a half ago. That is its all too apparent resemblance to the Communist or Marxist revolution of our own time. To this revolution we in this country today are definitely antipathetic. We simply do not like modern revolutions, if they are violent. But the parallels between the eighteenth- and the twentieth-century upheavals cannot be honestly denied. In both there is the same story of collapse of the old system, seizure of power by new and unauthorized groups, extermination of the old institutions; confiscation, emigration, terror; attack upon the church; consolidation of the new régime in a powerful country; setting up of dependent states in adjacent regions; agitation threatening all established governments, frontiers, interests, classes and views of life; cleavage of opinion, and formation of loyalties and aversions, that overrun all political borders and divide all states within. We do not like this today, and we are embarrassed to find it happening in the name of Liberty and Equality in the decade of the 1790's. We are further embarrassed by taunts from the Left, of Marxists who say that the proletarian today is only trying to do what the bourgeois once did; or that the bourgeois today, for obvious reasons, is trying to deny his own revolutionary background and suppress even the memory of it, lest it set a bad example.[30]

[30] See, for example, Daniel Guérin, *La Lutte de classes sous la première République* (2 vols., Paris, 1946), vol. II, pp. 366-400.

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This may sound like an avoidable headache, due to a false application of present considerations to the past. Yet it is a real difficulty for anyone attempting more than a recital of historical fact. Disliking the comparable revolution of our own time, we do not know how far to give our sympathies to the revolution of the 1790's. Yet we cannot simply repudiate it. Certainly it would be hard to embrace the one alternative that is not purely Platonic, and to argue that the cause of human freedom depended on the triumph of the Bourbon dynasty, the unreconstructed French nobles, the Spanish clericals, the tsarist autocracy, and the unreformed House of Commons. It is not that we should wish to write partisan history in any case. It is not that we should vehemently take sides. It is rather that we cannot estimate the two sides clearly. The viewpoint wavers, the focus blurs, the grasp slackens. It is not a matter of subjectivity or objectivity. It is a matter of judgment and of art. Without these no comprehensive and sustained piece of work can be confidently entered upon or brought to a successful conclusion.

Yet this difficulty, like all others, must be faced. We should not be squeamish about admitting that we " bourgeois ", now so peace-loving and wedded to gradual methods, had a revolution a century and a half ago. We should admit that it resembles the revolution of the twentieth century. We should then add that the resemblances are largely formal. They are of pattern more than of substance. They involve abstractions. All wars are alike in being wars, and there is even such a thing as military science; but not all wars are alike in their implications for mankind. All revolutions may resemble one another as revolutions, and there is probably even a science or technique of revolution as such. Technique is important, but it is not as important as substance. The substance of a revolution may be judged by the kind of society that issues from it. It is permitted to believe, in 1951, that a better society, more humane, more open, more flexible, more susceptible to improvement, more favorable to physical welfare and to the pursuit of higher concerns, issued from the Great Democratic Revolution than from the Communist revolution of the twentieth century.

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American historians, it is suggested in conclusion, might refurbish the well-worn theme of the French Revolution and related subjects in various ways. They might for one thing take it seriously as a great human struggle, and not as an exhibition of an overwrought state of mind. It is easy to be amused by the old revolutionaries; their speeches do sound archaic and peculiar. But the age of irony is over; the age of iron is at hand. Secondly, American historians might return to a realization that the issue was not primarily the triumph of the *bourgeoisie*, nor yet the imposition of order upon "feudal chaos", but what we understand by democracy. That the struggle was over democracy was agreed to in the 1790's both by those who favored and by those who feared democratic advances. This fact is not very noticeable in our recent monographs on the subject. It comes as a refreshing experience to find, in a highly scientific monograph published in January 1951, a plain statement that the French Revolution was a "merciless conflict between aristocracy and democracy."[31] Thirdly, Americans in the field might wish to develop the idea that the Revolution was not French alone, though the French fought the hardest and suffered most from the battle; that much the same sentiments, both for and against democratic ideas, existed in all other Western countries as in France; that the movement was not confined by nationality, but reached from the Mississippi to the Milanese and beyond, as a common experience of the Western World.

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[31] Donald Greer, *The Incidence of the Emigration during the French Revolution* (Cambridge, Mass., 1951), p. 40 and *passim*.

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A NOTE ON THE NATURE OF FEDERALISM

Federalism as a Juridical Concept

ALMOST every treatment of federal government and its problems has begun with the assumption that the problem here concerned is one of legal formalism and formal jurisprudence. Nearly all theorists have been at pains to point out that a federal constitution is a device for associating a number of distinct political and constitutional entities in such a manner that a new body is produced which is above and different from those that have come together. But the component states still retain their identity, sacrificing to the collectivity only such powers and functions as are necessary for the implementation of the purposes for which the association is formed. Or, as it is described in some instances, the powers of the central government are devolved upon the subordinate bodies in such a way that both central and regional units are thenceforth endowed with certain powers and functions of which neither can be deprived by the other. This is to say that the central government's functions cannot be assumed by the local governments, or the local governments' by the central. Each is placed in relation to the other in a position of autonomy; neither is subordinate and each may exercise within its sphere the full extent of its powers. There is also substantial agreement among writers on federalism that the extent of these powers is strictly limited by the simultaneous existence of comparable, though never identical, powers in the other unit. The problem thus becomes that of the proper delineation of these spheres. Where is the boundary between the central and the component governments to be drawn? How much power does the central government have and how much power do the local units have? This attempt to quantify power seems to be characteristic of the juridical approach to the problems of federal government.

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In order that this line of demarcation between the two governments may be precise and understood by all it is ordinarily considered necessary that the constitution of a federal state be written. Most writers have held it impossible for a distribution of this nature to be produced by the slow evolution of institutions such as is found in Great Britain. The experience of federal governments in the modern world is cited to show that in fact they all do have written constitutions. Only a written constitution, it is held, could precisely assign powers and functions in the necessary manner.

Once the distribution of powers is made, the accounts continue, it must be protected; and this requires that some kind of obstacle be put in the way of constitutional change. If the component units have entered the federation on the understanding that they are to possess certain rights and functions, then these must not be taken from them except in circumstances where some agreed-upon criterion demands such reassignment. Conversely the powers of the general government must not be alienated unless this is clearly necessary. In order to protect the allotment of powers to local and central units, the constitution must be *rigid*. By this is meant simply that to amend the constitution a procedure different from (that is, more difficult than) that of ordinary legislation is to be used. Indeed, since Lord Bryce published his *Studies in History and Jurisprudence* the definition of a rigid constitution has turned on this very point. A rigid constitution, as contrasted with a flexible one, has come to mean one that can be amended only by a procedure more difficult than that by which ordinary laws are made.

This procedure for constitutional amendment in a federal state, it is ordinarily said, must be designed to protect the federal allocation of governmental powers and functions. Since one of the purposes of employing a federal rather than a unitary constitution is to assure the different units of their proper and agreed-upon share in governmental activity, the power to amend the constitution cannot be lodged in either the general government exclusively or in the local governments exclusively, for this would permit the one to take from the other without

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its consent those functions that it desires to retain. Hence the federal system necessitates an amending procedure in which the consent of both the general and the local governments must be secured before any change can be made. But, the accounts continue, this does not mean that the consent of all the local governments is necessary, for this would effectively cripple the federation and prevent all important change; it would also, according to some, transform the federation into a confederation. But the procedure must consist of some form of consent on the local level as well as some form of consent on the national level. Usually the need for local concurrence takes the form of a requirement that a majority or more of the component units must consent to the amendment, though the means by which this consent is secured and measured vary greatly.

It requires little demonstration to show that the constant emphasis throughout this chain of thought is on the legal aspects of federal organization. The questions are always of a legal nature. How much power? What vote is required? Upon what right may this or that action be based? Does it violate the constitutional distribution of powers? Does it violate the principles of federalism? The ordinary treatment of federalism is based upon a legalistic foundation and its problems are treated as problems of constitutional law.

The Operation of Federal Institutions

This is assuredly a convenient method of approaching the problem and in many instances it is the only possible one. But it is not the only one. If a question arises that requires a legal answer, it can be answered only in legal terms. But the validity of such an answer is limited to the frame of reference within which the question is posed. Legal answers are of value only in the solution of legal problems. And federalism is concerned with many other problems than those of a legal nature.

Above and beyond this legalism there is an aspect of federalism that has been largely ignored. The essential nature of federalism is to be sought for, not in the shadings of legal and constitutional terminology, but in the forces—economic, social, political, cultural—that have made the outward forms of fed-

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eralism necessary. Federalism, like most institutional forms, is a solution of, or an attempt to solve, a certain kind of problem of political organization. It is true, on the whole, that federal governments and federal constitutions never grow simply and purely by accident. They arise in response to a definite set of stimuli; a federal system is consciously adopted as a means of solving the problems represented by these stimuli.

Whether a constitutional structure may properly be called federal, however, depends not so much on the arrangement of the institutions within it as it does on the manner in which those institutions are employed. Institutions have a habit of serving purposes other than those for which they are designed. The passage of time produces changes in the purposes of any society and these new purposes are reflected in new modes of operating old institutions which frequently retain their original forms. Thus a society may possess institutions that are federal in appearance but it may operate them as though they were something else; and, what is more likely, it may possess a unitary set of institutions and employ them as though they were federal in nature. The institutions themselves do not provide an accurate index of the federal nature of the society that subtends them.

Federalism as a Sociological Phenomenon

This leads us another step forward in the analysis. We have said that institutions may not be suited to the actual needs of the society and this point will be explored in greater detail later. If one could know exactly how the institutions are operated, one would have a much more accurate picture of the nature of the society itself. But the picture would still be incomplete and unclear; for institutional devices, both in form and in function, are only the surface manifestations of the deeper federal quality of the society that lies beneath the surface. The essence of federalism lies not in the institutional or constitutional structure but in the society itself. Federal government is a device by which the federal qualities of the society are articulated and protected.

Every society, every nation if you will, is more or less closely

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integrated in accordance with its own peculiar historical, cultural, economic, political and other determinants. Each is composed of elements that feel themselves to be different from the other elements in varying degrees and that demand in varying degrees a means of self-expression. These diversities may turn on all sorts of questions—economic, religious, racial, historical; any of these can produce in a certain group within the population a demand for such self-expression. Furthermore, these diversities may be distributed among the members of a society in such a fashion that certain attitudes are found in particular territorial areas, or they may be scattered widely throughout the whole of the society. If they are grouped territorially, that is geographically, then the result may be a society that is federal. If they are not grouped territorially, then the society cannot be said to be federal. In either case coherence in the society may depend on the devolution upon these groups of the exercise of functions appropriate to the diversities that they represent. But in the first case only can this take the form of federalism or federal government. In the latter case it becomes functionalism, pluralism or some form of corporativism.

I realize that in using the term federal only in this restricted territorial sense I am taking from it some of the meaning attributed to it by writers who profess to see federal elements in the various forms of pluralism, such as feudalism or corporativism. But I suggest that these writers have added a meaning that was not there before and one that introduces an element of confusion into the term. No government has ever been called federal that has been organized on any but the territorial basis; when organized on any other it has gone by another name.

It is true that the geographical diversities may not always follow the boundary lines of the component units. In many countries, and particularly in the United States, the operation of the federal system has displayed patterns of diversity that are more nearly associated with regions or groups of states than with the individual states themselves. This is easily understood. Federalism embraces not merely a diversity of opinion on one issue but a whole pattern of diversities on a number of issues. It can scarcely be expected that state boundary lines

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will be adequate to mark off areas in which opinions differ on all possible questions. Indeed on many, or even most, questions the state boundaries will be of little significance in thus delimiting the areas of diversity. Federal organization is not perfect in every case.

No one supposes that it is, however. Component states exist because of some great significant diversity of such importance that it is felt that only a federal organization can offer it sufficient protection. Day-to-day issues may easily and reasonably produce alignments that follow regional lines. Regionalism in this sense is a valid manifestation of the federal principle. It conforms to the criterion suggested above, namely, that the diversities in the society be grouped territorially. It should be noted, moreover, that regionalism in the politics of a federal country is made possible only by the federal allocation of functions to the states themselves. The fact that several states within a larger region are dominated by similar opinions and hence unite in an effort to transform these views into policy does not detract from the importance of the states as the basic units of the federal system.

On the other hand, federalism becomes nothing if it is held to embrace diversities that are not territorially grouped, for there are then no territorial units that can serve as components of the federal system. I readily agree that this is a question of the definition of federalism and that society can be organized in accordance with any principle upon which there is substantial agreement among the members of the society. But if the distribution of powers, which is the essential feature of the federal structure, is made between the nation as a whole and component units that are functional in character, such as industries, trade unions, churches, and so on, then the traditional and, I think, necessary quality of federalism is lost. We confuse two distinct principles when we apply the terminology of federalism to a society organized on a functional basis.

It may be objected that the federal division of powers among territorial areas is in reality functional, since these areas differ from one another on questions of a functional character. I agree. But the important point is that they are territorially

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organized. Such areas naturally differ in opinions, in composition, in interests, in function. This, however, only brings us back to the point that they differ. If there were no functional differences, there might be no need for federalism. But the point that must be emphasized is that these functional differences are territorially grouped; and thus they provide a reason for and a demand for a federal system of government.

Federal Institutions as a Reflection of Societal Diversities

The nature of a society is roughly reflected in the external forms of its political and constitutional arrangements; and it is true that the extent to which the society is federal can be more or less accurately measured by the extent to which these external forms are federal. The institutional patterns reflect the federal quality of the societies in varying degrees; they may be more or less "federal" in the way in which they manifest the degree to which the political society behind the institutional façade is integrated or diversified. But the institutional patterns and the constitutional structure are far from an adequate test of the federal qualities of the society; dependence upon them alone can lead to serious error in assessing the nature of the society itself.

If these did serve as an accurate measurement of the society, the problems of the constitution maker and of the political analyst would be much simpler and this essay would not have been written. But the weighing of the various forces that go into the making and maintaining of a political community is an extremely difficult task. Those who devise institutions can never be sure that the institutions they devise will accurately represent the nature of the society or will be adequate to the needs they are designed to fulfill. Moreover, social patterns are constantly changing. What may be good for today will very likely be outmoded and less adequate by tomorrow. Finally, institutions mean different things to different people; the same set of institutions may produce widely different results when adopted and operated in different communities. Hence there can be no assurance at any time that the institutional patterns fit the needs of the society below.

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From this it follows that the real nature of the society cannot be divined merely by an analysis, however brilliant and profound, of the institutions only. No amount of reading of constitutions can properly inform the analyst about the societies served by those constitutions. The nature of the political society can be examined only by observing how the institutions work in the context of that society. It is the operation, not the form, that is important; and it is the forces that determine the manner of operation that are more important still.

The Spectrum of Federal Societies

This is no less true of federalism than it is of any other form of political organization. Federalism is a function not of constitutions but of societies. Viewed in this way, it will be seen that federalism is not an absolute but a relative term; there is no specific point at which a society ceases to be unified and becomes diversified. The differences are of degree rather than of kind. All countries fall somewhere in a spectrum which runs from what we may call a theoretically wholly integrated society at one extreme to a theoretically wholly diversified society at the other. Some are more unified than others; some are more diversified than others; and the differences between adjacent societies in this spectrum may be so slight or so incommensurable as to be incapable of assessment. But that there is a gradation is clear from observing societies that are widely separated in the spectrum.

As one moves from one end of this hypothetical spectrum to the other the societies encountered are more and more diversified. And the more diversified the society, the greater is the necessity of providing some means for articulating the diversities; for these diversities are nothing less than tensions and as tensions they demand and require means of self-expression. But there is no point at which it can be said that all societies on one side are unitary and all those on the other are federal or diversified. If a society contains territorial groups that are so different from the rest of the society that they require some instrumentality to protect and articulate their peculiar qualities, then the society is likely to provide some means for the creation

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of such an instrumentality. One such circumstance doubtless does not make a society or a constitution federal. But two or six or twenty may produce a result that may be properly so called.

It cannot be said that when a society is just so diversified, it requires a federal constitution. In the first place we are unable to quantify social and political forces to the degree necessary to warrant such a demarcation; and secondly the forces themselves are incommensurable. (Which is more diversified, a society rent by religious schisms or one in which the members are divided by differences of language?) Societies employ instrumentalities for the expression of diversities in accordance with what men in particular societies think is necessary; and this view of what is necessary and what is not will vary considerably from society to society. Thus some societies which would seem to be highly diversified are able to get along with a set of institutions that seems to be nearly unitary; and, conversely, some that seem quite unified adopt institutions that we call federal. It may be that one especially strong unifying tendency in a society, such as a long historical tradition of unity, will overcome diversities of economic interest, language and the like which, in another society, with a weaker historical tradition, would necessitate federal institutions.

Types of Diversities

The social diversities that produce federalism may be of many kinds. Differences of economic interest, religion, race, nationality, language, variations in size, separation by great distances, differences in historical background, previous existence as separate colonies or states, dissimilarity of social and political institutions—all these may produce a situation in which the particular interests and qualities of the segments of the larger community must be given recognition. At the same time these differences must not be too great, else the community must break up into independent groups. Federalism cannot make coherent a society in which the diversities are so great that there can be no basis for integration.

There is no way to estimate the relative weights of these factors except in results; we have observed already that they are

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largely incommensurable. But it seems clear that some are more significant than others, at least within a single society. For example, a society that enjoys a uniformity of social and political background can still hold together despite deep cleavages in other matters. The point is that the diversities and similarities are of many different kinds and when taken together they produce a total picture of the extent to which the society is integrated or diversified.

The total pattern of these diversities produces a demand for some kind of federal recognition of the diversities. This demand must in most cases meet a counterdemand (or inertia, which is equally a force) for increased unity or integration. These two demands or forces—the one impelling toward autonomy and independence for the component units, the other impelling toward centralization and the suppression of diversity—meet each other head on; the result of their conflict is the federal system. The federal system is thus an institutionalization of the compromise between these two demands, and the federal constitution draws the lines of this compromise. The constitution will be more or less federal in accordance with the relative strength of the two demands. Thus societies in which the demand for integration is stronger than the demand for decentralization will produce a set of institutions that is more nearly unitary; and a contrary situation will produce a contrary result. It is in this sense that federalism is a matter of degree and not of kind. The varying degrees of federalism are produced by societies in which the patterns of diversity vary and in which the demands for the protection and articulation of diversities have been urged with more or less strength. But what determines the federal quality of the government is not only the constitution that draws the lines of the compromise but the whole pattern of instrumentalities that are employed as a result of these demands.

Types of Instrumentalities

The diversities within a society require certain instrumentalities for their expression and protection. Just as the diversities take many forms, so do the instrumentalities; the latter are designed to fit the needs of the former. But the relation and

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correspondence between the diversities and the instrumentalities that express them will vary from society to society. A diversity that requires one kind of instrumentality for its expression in one social complex will require another kind in another social complex. So also similar instrumentalities in different social complexes will serve different kinds of diversities. It is this fact that has been largely ignored by most analysts of federal institutions.

We are too prone to say that federal constitutions must contain a certain five or eight or ten characteristics and that all constitutions lacking any of these are not federal. Such a set of criteria ignores the fundamental fact that institutions are not the same things in different social and cultural contexts. Two societies equally diversified with respect to a particular matter may require very different instrumentalities for the implementation of that diversity. By the same token, similar institutions or instrumentalities in different social contexts may serve to implement dissimilar diversities.

The word "instrumentality" is a broad one and necessarily so; but we must be clear about what is meant. First of all, it does not mean merely a clause in the constitution, though such clauses may be examples of such instrumentalities and it may be said that the provisions of the constitution are a good rough guide to the pattern of instrumentalities, though they become less adequate with the passage of time. But the word includes not only the constitutional forms but also the manner in which the forms are employed; it includes the way in which the constitution and its institutions are operated. Beyond this, moreover, it includes many things that are far from constitutional in importance in the ordinary sense of the word. It includes such things as habits, attitudes, acceptances, concepts and even theories. It includes perhaps the rules of the American Senate, the make-up of the Canadian cabinet, the zeal of the Baptist Karens in Burma. All these may serve as instrumentalities for the expression of the diversities within a society, and whether a country is federal or not may best be determined by examining the pattern of these instrumentalities and not by checking its constitution against an *a priori* list of the characteristics of a federal constitution.

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Federal Constitutions and Federal Instrumentalities

Indeed the documentary constitution may be a poor guide in attempting to discover whether or not the society itself is federal. Several South American countries have adopted federal constitutions and yet an examination of those countries reveals a rather high degree of integration. Are we to infer that Soviet Russia is more federal than, say, the United States because it provides in its constitution for a right of secession?

Other examples may better illustrate the point. It is meaningless to insist that the Union of South Africa is unitary and not federal because of certain characteristics of its constitution. I should be quite willing to agree that the component units may be overwhelmed by the central government, if the testimony of the constitution is to constitute the only evidence. But I should at the same time insist that what is significant is, not what the constitution says, but how the people of South Africa employ it. The fact is that in many instances South Africa operates its institutions as though its constitution were federal; it works federally despite the unitary character of its legal forms. If one examines the South African polity from a strictly legal or constitutional point of view, it is clearly unitary. But if one probes deeper into the processes of politics one quickly perceives that federalism is still an operative principle in that society.

A similar argument may be advanced in regard to Great Britain, a country whose constitution is most often cited as being typically unitary. Many elements of British public life are witness to the vitality of the federal principle in British society. Indeed there would seem to be an operative right to secede from that community, exemplified by the withdrawals from it in recent years of such elements as Burma and Ireland. If Northern Ireland or Scotland, or perhaps even other elements, were to seek actively for secession, it seems most unlikely that the right would be challenged. A right of secession as an operative idea in a society suggests diversities of a rather acute nature and places that society, as far as the particular point is concerned, well over toward the diversity side of the spectrum of federalism. Federal elements in Great Britain take other forms as well. Northern Ireland has its own parliament;

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Scotland has its own courts and legal system as well as its own church. Scotland, furthermore, is especially protected in the House of Commons by a Scottish Committee which deals with questions pertaining to that area. If the central government were to attempt to abolish any of these institutions, the outraged complaints of injustice would bear adequate witness to the extent to which this society is diversified and to the necessity of providing these instrumentalities for the articulation and protection of the federal qualities.

Even France under the *ancien régime*, which is ordinarily considered to have been a very highly centralized executive state, manifested certain federal qualities. The laws and customs of the provinces were far from standardized. Each had its own legal code, its own body of customary law, its own historical tradition and a very considerable degree of local patriotism.

The Causal Relation Between Federalism and Its Instrumentalities

The point has been made that the pattern of forces within the society changes with the passage of time. Society is never static but changes constantly in accordance with the interplay of the various dynamic forces within it. As a result, the diversities within the society wax and wane in intensity so that the need for their articulation increases or decreases. A complex of psychological and sociological factors may require one type of instrumentality at one time and another type at some other time. As the nature of society changes, demands for new kinds of instrumentalities are created and these demands are met by changing or abolishing old instrumentalities and substituting new ones in their place. But it can scarcely be hoped that the instrumentalities will keep pace with the changing pattern of social relationships, and as a result the pattern of instrumentalities tends to lag behind the changes in society itself (though it may be observed that the functioning of the instrumentalities will not be so rigid in this respect as the constitutional forms).

This is complicated further by the fact that the instrumentalities, once put into operation, become rigidified and acquire

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a status of their own. They become substantive instead of merely adjectival; they become ends in themselves instead of merely means toward other ends. Their procedures become standardized; they may take on an honorific quality; they become matters of pride to the diverse elements that they serve; and ultimately the instrumentalities enter into and become part of the psycho-sociological complex itself.

This is by no means an unusual occurrence; almost every society manifests this tendency in one form or another. The Scottish Committee of the British House of Commons, mentioned above, is an example. This Committee was at the outset a device, an instrumentality, to permit the organized expression of Scottish opinion on affairs that directly concerned Scotland; it is still that. But it is also much more, for it has become a thing of value in itself, a thing to be preserved because it is an essential part of the federal relation between England and Scotland.

Another example is the Supreme Court of the United States which began as a mere court of law. But as judicial supremacy developed in the United States the Supreme Court became more and more an institution that connoted the maintenance of justice in federal relations in this country. (It came to mean many other things as well, but it is the federal arrangement that concerns us here.) Few men now claim that the Court is a mere court of law; and few men would dare to disturb its position without serious consideration of the effects of such a change on the shifting balance of national power and state power. The Court has ceased to be a mere instrumentality and has entered into the psycho-sociological complex that determines the nature of the instrumentalities.

Another example is to be found in the United States themselves. America adopted a federal constitution at the outset because the elements that were to make up the new country were so diversified that they could be brought together in no other form. But since that time the Federal Constitution has continued in force and has collected around it all the aura of a highly revered institution. As other states have entered the union they have taken their places in the federal arrangement and have found that all the perquisites and particularities of the

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established states have accrued to them. Although at the time of their entry these later states may not have been sufficiently diversified to justify such special treatment, they rapidly acquired such consciousness of individuality that they would now be unwilling to part with the instrumentalities that permit the expression of that individuality. It is doubtful that the two Dakotas warranted the dignity of separate statehood at the time of their entry into the union; but who can deny now that, having lived as states for a number of years, they would look with disfavor upon any proposal to deprive them of their individuality by merging them into one? The Constitution, which endows the states with the characteristics of diversity, treats them indiscriminately and thus tends to create diversity where none previously existed. The Constitution with its federal plan, though designed as an instrumentality, has become a part of the complex of sociological and psychological values that constitutes the pattern of diversities. It is no longer merely an instrumentality serving to protect and articulate the diversities; it has itself become a part of that complex of values which *is* the pattern of diversities and which determines the pattern of the instrumentalities.

Thus the problem of the student of federalism is made much more difficult, for he cannot clearly distinguish between society and the instrumentalities it employs. Similarly with the problems of the statesman; he cannot devise means to accomplish new ends without disturbing the old relationship, for the old means have themselves become ends and the old techniques have become values.

The effort to draw the distinction must be made, however; for otherwise we end by confusing cause with effect and by attributing to the instrumentalities values that belong properly to the anterior diversities. The student of federalism must probe deeper than the institutional patterns, for these are but the products of the diversities in the society; it is to the pattern of these diversities that we must go if we would assess the federal qualities of the society.

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THE POLITICAL, SOCIAL AND ECONOMIC DEVELOPMENT OF EASTERN GERMANY DURING 1950

THE basis for the political, social and economic development of the German Democratic Republic, as it has emerged today, was forged during the year 1950.[1] To understand the present situation the evaluation of the events of the year 1950 is essential. It can best be summed up by saying that the Communists succeeded in developing and fortifying the monolithic state by using a democratic façade as camouflage, by exerting far-reaching controls throughout the economic and social spheres; but they failed, in spite of " favorable " election results and millions in membership figures, to control the minds of a majority of the population. There is every indication, however, that the red-handed grip on the people is being tightened day by day.

Population and Creation of the State

The territory of the German Democratic Republic lying in the heart of Europe, " between the Baltic Sea and the Czech border " and called the zone of silence, is far more than the granary of partitioned Germany. Not only vast areas of farm land, but also forests, extensive brown-coal fields, " the world's greatest concentration of potash ", and other industries including the Jena optical works, the giant Leuna synthetic gasoline works, and the Meissen China plant, came under Russian control.[2] Of the companies in the I. G. Farben combine, forty-five are situated in East Germany.[3] In the north, a largely rural area, there are important cities, Wismar, Rostock, Stralsund

[1] See also Norbert Muehlen, " In the Shadow of the Iron Curtain ", *The New Leader*, Aug. 20, 1951; Joseph Wechsberg, " Remember Their Faces, Put Down Their Names ", *The New Yorker*, Sept. 8, 1951.

[2] Arthur Settel *et al.*, *This Is Germany* (New York, 1950), pp. 370, 374.

[3] *Frankfurter Rundschau*, Aug. 7, 1950.

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(exit to the Baltic Sea), Greifswald, Schwerin and Pasewalk; in the west, Magdeburg with long-established industries, Wittenberg and Potsdam; in the east, Joachimsthal and Eberswalde; and in the south, a highly industrialized area, Halle, Leipzig, Merseburg, Naumburg, Dresden, Erfurt, Weimar and Aue. In the eastern part of Berlin, the capital of the German Democratic Republic, 1,250,000 people live. Population figures are estimated at a minimum of 17,313,734 (Brandenburg 2,527,492, Mecklenburg 2,139,640, Saxony 5,558,566, Saxony-Anhalt 4,160,539, Thuringia 2,927,497) [4] and a maximum of 18,400,000.[5]

On October 12, 1949, the German Democratic Republic was proclaimed by the People's Council, the organ of the People's Congress, which was transformed into the "Provisional People's Chamber" and ratified an earlier decision not to hold elections prior to October 15, 1950.[6]

Political and Social Development

Robert Menzel, "a middle-aged Communist serving as state youth leader in the provincial capital of Halle", was asked to define democracy and replied: "It means a system from which monopoly capitalists and big landowners have been eliminated and in which the people's will is law." [7] Under this theory of democracy, Eastern Germany "is based upon a concentration of power in the hands of the majority of the people—peasants, workers, and intelligentsia." [8]

Although statements concerning political and economic civil rights appear in the Constitution, analysis of the text and its implementation—honored more in the breach than in the ob-

[4] *Deutschland Jahrbuch 1949* by Klaus Mehnert and Heinrich Schulte (Essen, 1948), p. 8.

[5] Settel, *op. cit.*, p. 374.

[6] *Der kommunistische Wahlbetrug*, Memorandum No. 30, published by the Social Democratic party, Hanover, p. 22.

[7] Settel, *op. cit.*, p. 395.

[8] Harold O. Lewis, *New Constitution in Occupied Germany*, Foundation of Foreign Affairs, Pamphlet No. 6 (Washington, 1948), p. 33. Compare, as quoted by Lewis, Karl Pollak, "Gewaltenteilung, Menschenrechte, Rechtsstaat", in *Einheit*, vol. 7, Dec. 1946, and "Was ist Demokratie", vol. 4, Sept. 1946.

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servance—indicates a sharp contradiction between creed and deed.[9]

In some respects the Constitution of the German Democratic Republic resembles the Weimar Constitution. The chapter "Basis of the Power of the State" declares that "the whole of Germany is an indivisible democratic Republic."[10] The dual concept of Reich and states no longer exists. The colors of the German Democratic Republic flag are black-red-gold (like the flag of Western Germany!). All power derives from the people (Article 3). Women have equal rights (Article 7). Article 9 states: "All citizens have the right to express freely and without restrictions their opinion within the limits of existing laws. Citizens may for this purpose assemble peacefully and unarmed. There is no censorship of the press." No citizen may be extradited to a foreign country; and the right of asylum is guaranteed, as is the right of a citizen to emigrate (Article 10). Economic rights, with which Part Two of the Constitution deals, are superior to political rights.[11] The economy has to serve the welfare of the people and has to fulfill the needs of the entire people. According to Article 21, the state is to have "a public economic plan". Monolithic capitalistic enterprises and private farm estates—larger than 247 acres—are forbidden (Article 24). Natural resources are at the disposal of the state. Expropriation will be set in operation according to the interest of the whole state (Article 23).

Youth will be educated in the spirit of the Constitution "to become self-reliant, responsible, alert human beings". Article 41 guarantees full freedom on all questions of faith and conscience; religious rituals and religious education shall not be misused for "unconstitutional purposes, or party politics". Article 47 encourages people to give up any church affiliations. (Socialist Unity party members, police and other officials are not permitted to belong to a church or to attend church serv-

[9] Lewis, *op. cit.*, p. 34.

[10] Karl Steinhoff, *Die Verfassung der Deutschen Demokratischen Republik* (Berlin, 1949), p. 65.

[11] *Ibid.*, p. 21.

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ices.) [12] Children at the age of 14 are given the right to determine their church affiliation (Article 48).

The highest organ of the Republic is the People's Chamber. The voting age is 18; the minimum age of eligibility for election is 21. Membership in the Chamber is limited to 400. The representatives of the *Laender* (for each 500,000 inhabitants, one member) in the *Laenderkammer* have only the right to submit suggestions.[13]

Article 87 permits a people's plebiscite if 10 per cent of the qualified voters favor it.

According to Article 92 the strongest party names the minister-president; and all parties with a minimum of 40 members in the parliament will be represented in the government according to their strength. (Until October 15, 1950, the Socialist Unity party held 9 minister posts and controlled 3 ministers "without party affiliations", the Christian Democratic Union held 3 posts and the Liberal Democratic party 3.) [14]

The president of the Republic is elected by a combined meeting of the People's Chamber and the Chamber of the States. He is merely a ceremonial figure, though Article 107 gives him the right to pardon and the right to conclude international treaties.

Judicial administration is vested in the Supreme Court of the German Democratic Republic. Judges are independent (Article 127). Judges of the Supreme Court and the attorney general are elected by the People's Chamber upon suggestion of the government. Article 136 affirms that, for arrest, search of a private home, or seizure of material, judicial approval has to be secured.

The government of the German Democratic Republic seems firmly resolved to lead "a detached East Germany . . . to full sovietization." In reality, the control of the state is exercised

[12] *Second Quarterly Report on Germany*, 1950, Office of the U. S. High Commissioner for Germany, p. 39. Hereafter this is cited as *Report on Germany*.

[13] The *Laenderkammer*, or Chamber of States, can best be compared with our Senate with the difference that its members are not elected but appointed by the respective state governments.

[14] *Report on Germany*, pp. 29 *et seq.*

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by the Politbureau of the Socialist Unity party, a body of ten key men, which in turn receives its orders from the Soviet Military Administration, the real power in the German Democratic Republic.[15]

On November 15, 1950—just a month after the "election victory"—Otto Grotewohl, the Minister-President, introduced the following new government to the People's Chamber:

Deputy Minister-Presidents:

Walter Ulbricht (SED)[16]
Otto Nuschke (CDU)
Heinrich Rau (SED)—Ministry of Planning
Hans Loch (LDP)—Ministry of Finances
Lothar Bolz (NDP)—National Front, Ministry of Reconstruction

Other Ministries

Foreign Affairs—Georg Dertinger (CDU)
Interior—Karl Steinhoff (SED)
State Security—Wilhelm Zaisser (SED)
Heavy Industry—Fritz Selbmann (SED)
Construction of Machines—Gerhard Ziller (SED)
Light Industry—Georg Feldmann (NDP)
Agriculture and Forestry—Paul Scholz (Peasant party)
Labor—Roman Schwalek (Free Trade Unions)
Foreign and Interzonal Trade—Georg Handke (SED)
Trade and Supplies—Karl Hamann (LDP)
Health—Luitpold Steidle (CDU)
Justice—Paul Fechner (SED)
Education—Paul Wandel (SED)
Traffic—Hans Reingrueber (no party)
Post, Telephone and Telegraph—Fritz Burmeister (no party)[17]

[15] *Report on Germany*, pp. 29-31; see also Settel, *op. cit.*, pp. 374 *et seq.*

[16] SED—Socialist Unity party; CDU—Christian Democratic Union; LDP—Liberal Democratic party; NDP—National Democratic party; National Front, combining all parties, cultural and other organizations, and trade unions of Eastern Germany.

[17] *Frankfurter Rundschau*, Nov. 16, 1950.

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Since the only free elections (City Council elections of October 20, 1946) held under Four Power control resulted in a defeat of the Socialist Unity party (Social Democratic party 1,015,000—48.7 per cent; Christian Democratic Union 454,000—22.1 per cent; Socialist Unity party 406,000—19.8 per cent; Liberal Democratic party 198,000—9.4 per cent) [18] no free elections in the Western pattern have ever taken place. The Social Democratic party [SOPADE], strongest challenger of the SED, is not permitted to function in Eastern Germany. Before the creation of the German Democratic Republic, in elections for which the CDU and LDP had separate lists, the results in various districts disappointed the Communists, and they were resolved not to risk any further setbacks at the polls. That led to the Unity List on the occasion of the elections held on October 15, 1950.

In his New Year's speech on January 1, 1950, Wilhelm Pieck, President of the German Democratic Republic, had already declared:

> In our democratic republic we will hold elections which will differ considerably from the faked elections of August 1949 in Western Germany where to the satisfaction of their imperialistic masters the parties overworked . . . . At the election in October we will take care that through the election a new consolidation and coöperation of all progressive forces in the National Front of democratic Germany will be achieved . . . .[19]

Though the LDP and the CDU tried to resist a unity list, the SED with the help of the "National Front" succeeded in creating the "Democratic Bloc" and achieved agreement on a unity list. With the promulgation of an election law on August 10, 1950, all legal obstacles were removed. This law outlines the election program: safeguarding of the peace, a democratic united Germany, peace treaty with the whole of Germany and the withdrawal of the occupation troops; democratic construction of an independent peace economy; improvement of the living standard by its own efforts; expansion and

[18] Mehnert and Schulte, *op. cit.*, p. 71.

[19] Quoted from SOPADE, *Socialdemokratische Partei Korrespondenz*, No. 902, October 1950, "Wahlbetrug in der Sowjetzone", p. 66.

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consolidation of the democratic order; and preservation and development of the German culture.[20]

The result of the elections was as expected. There was a 97.5 per cent vote in favor of the Unity List. Most of the voters did not even bother to use the voting booth. The SED had won the election in grand style.[21] Nevertheless, a few days before the elections 375,000 East Berliners had sent their used-up ration-book stubs to the West Berlin magistrate as a protest against the Communist-rigged elections of October 15, 1950.

The election results must be understood against this background. Few Germans realize the meaning of Walter Ulbricht's words: "Neutrality means the destruction of Germany."[22] A network of organizations still works to extend the influence of the SED over the 18 million East Germans.

Geographically, Eastern German influence ends at the western border. Only in one instance does there exist an organizational set-up comprising East and West Berlin, namely the Jewish Community of Berlin with 7,000 members, of whom (in round figures) 2,500 live in the eastern part and 4,500 in the western part. Their religious and social needs are attended to by a board comprised of a minority of two representatives of Jews in the eastern part of Berlin and five representing the Jews in the western part of the city. In addition, it is estimated that 1,200 Jews live outside of Berlin in various parts of East Germany, 300 in Leipzig comprising the largest Jewish community.[23]

By 1950, the Communists were able to dominate political parties, trade unions, and cultural and social organizations in Eastern Germany. The Socialist Unity party claims a membership of almost two million.[24] The "bourgeois" political parties—Christian Democratic Union and Liberal Democratic

[20] *Ibid.*, pp. 67 *et seq.*

[21] *New York Times*, Oct. 16, 1950.

[22] "Die 'Nationale Front' greift an", *Deutsche Zeitung*, No. 20, Mar. 11, 1950, p. 4.

[23] Information by Hans E. Fabian, former chairman of the Jewish Community of Berlin, now in the United States.

[24] Settel, *op. cit.*, p. 394; *Report on Germany* gives the membership as "almost 1,700,000 representing ten per cent of the population" (p. 31).

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party—are no longer influenced by their western counterparts but are controlled by the " National Front ".[25] The Democratic Farmers party, founded in 1948, is headed by Ernst Goldenbaum, Minister of Agriculture and Forestry. Goldenbaum is a veteran Communist and member of the pre-Hitler Prussian Diet. Now he poses as spokesman for the non-Communist farmers.[26] The National Democratic party publishes a newspaper *The Nation*, of which the editor-in-chief is Dr. Hans Hartmann, a former pacifist.[27] Under the leader, Dr. Lothar Bolz, an old-time Communist and Minister of Construction, the party pleads forgiveness for the " little Nazi ". The program of the " National Front " states: " To the National Front belong also those former members of the National Socialist party who have learned from the terrible errors of the past." [28] In spite of support by the ruling clique and liberal financial means, the National Democratic party has failed to gain more than a very small number of adherents (10,000 to 20,000).[29]

One of the Communist-controlled organizations is *Freier Deutscher Gewerkschaftsbund* [FDGB] (Free German Trade Union), which " as a labor union is a shabby fraud." [30] Allegedly it has 4.5 million members, 32.3 per cent of whom are women,[31] organized in subordinate trade unions with branches in all public and private enterprises. The key positions of the secretariat are held by Communists with the exception of the department, " Tariff and Wage Policy ", headed by Josef Jessen of the Christian Democratic Union. Since the FDGB does not engage in collective bargaining, and the right to strike does not exist, its chief purpose is to maintain a continuous process of communist indoctrination by " educational means ", by the application of various tests and by the introduction of the Hennecke Method (copied from the original Russian Stakhanov

[25] *Deutsche Zeitung*, Mar. 11, 1950.

[26] Settel, *op. cit.*, p. 400.

[27] Confidential reports.

[28] " Das Programm der Nationalen Front des demokratischen Deutschlands ", *Berliner Zeitung am Abend*, No. 40, Feb. 16, 1950.

[29] *Report on Germany*, p. 32.

[30] Settel, *op. cit.*, p. 396.

[31] *Kommunistische Gewerkschaftspolitik*, Memorandum No. 26, Social Democratic party (Hanover, 1950), pp. 4 *et seq.*

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Method) which serves as inducement for top performance by a workers' élite.[32] It is disliked by the average citizen.[33] "Discipline is firm, and morale, despite the bad life, has kept up better than might have seemed possible." This trade union is to create and maintain an "illusion of solidarity", to make the little man think he is really an important unit in the great monolithic structure of the East German state. It has 30 representatives in the parliament.[34]

The Whitsuntide mass demonstration of the *Freie Deutsche Jugend* (Free German Youth) at the end of May 1950 corroborated the statement: "It would be unwise for Westerners to play down the long-range effectiveness of such a high-powered youth movement."[35] With its "Young Pioneers", the Free German Youth influences boys and girls aged 6 to 25[36] and has a virtual monopoly on sports and recreation facilities and equipment. Even the sport pages of the newspapers are used to propagandize the ideas of "labor and the defense of peace."[37]

Though the Berlin youth demonstration, by its show of strength, was an instrument in the cold war of nerves, it has left certain imprints in the minds of the people as "a symbol of present and future power". The youth movement is "one of the most important arms of the party".[38] It is said that the Free German Youth has 3 million members.[39]

The *Frauenbund* (Women's League) "aims at bringing greatly increased numbers of women into all phases of Soviet zone life along the communist pattern."[40] Membership is estimated at 200,000. It has ten seats in the parliament and tries vigorously "to give the timid German women a political education above the level of party or class."[41] A correspondent

[32] *Ibid.*, pp. 4 *et seq.*, 14, 22.

[33] Confidential report.

[34] Settel, *op. cit.*, pp. 39 and 397.

[35] *Ibid.*, p. 395.

[36] *Report on Germany*, p. 32.

[37] *Taegliche Rundschau*, No. 120, May 26, 1950, p. 6.

[38] Settel, *op. cit.*, p. 395.

[39] "The Nazis March Again—This Time for Stalin", by W. Attwood and Seymour Freidin, *Collier's*, Nov. 25, 1950, p. 22.

[40] *Report on Germany*, p. 32.

[41] Settel, *op. cit.*, p. 398.

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writes that women are active in solidarity and welfare work and find satisfaction in at least doing something.[42]

"Consumers Cooperatives in pre-war Germany . . . were largely connected with the Social Democratic Party. They are now being converted into units exercising a quasi-public control over large areas of trade and distribution of foodstuff and consumer goods."[43]

Virtually all farmers belong to the Farmers Mutual Aid Association, which is the instrument "for the first cautious move toward applying the Soviet pattern of collective agriculture on the people and land once under Junker control." Some 11,000 local units, appealing to the landless rural workers, are concerned with providing machinery to groups ranging from cooperative tractor stations to individual farmers.[44]

The Cultural League (*Kulturbund*) serves a double purpose: educating and converting the non-Communist intellectuals.[45] As a SED-controlled body it plays a major part in election campaigns and acts wherever "articulate support is needed." The Association of Political Persecutees of Nazism (VVN)—Communist-controlled in East and West—corrals the anti-Nazis. It investigates prosecution of Nazi war criminals and publishes literature about concentration camps. Lawyers of the VVN represent the interests of the persecutees in courts.[46]

Finally, one million members have been corralled for the Society of Soviet-German Friendship, which promotes lectures, meetings and radio broadcasts to achieve its goal of "adult political indoctrination".[47]

At the top of these propaganda organizations stands the "National Front" movement. A "National Council" was es-

[42] Confidential report.

[43] *Report on Germany*, p. 32.

[44] Settel, *op. cit.*, pp. 339 and 399; *cf.* Articles 23 and 24 of the Constitution.

[45] *Ibid.*, p. 398.

[46] See *Die Hoelle von Kamiena; Nacht und Nebel: Ein Sachsenhausenbuch* by Arnold Weiss-Ruttel; Calendar 1950, "Wir Mahnen zum Frieden"—all published by VVN Verlag, Potsdam.

[47] *Report on Germany*, p. 32.

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tablished on February 7, 1950 which published a 4,000-word program in compliance with the policy of the Socialist Unity party. Among many other things, it demanded: " creation of a unified, democratic, peace-loving and independent Germany and reconstruction of the Occupation Ruhr Security Statute; fight against the creation of a German mercenary army, against remilitarization of West Germany, strict suppression and prohibition of war agitation, as well as any agitation directed against nations or races; fight against further dismantling." [48] In the list of qualified representatives of the " National Front " the original founders of the Moscow National Committee dominate. It is certainly no coincidence that Stalin's statement, " Hitlers come, Hitlers go, but the German people remains forever ", is prominently displayed in East Germany.

The SED is politically the most powerful arm of the new German Democratic Republic. It controls all the other organizations. Its 1950 convention—with 4,000 delegates in Berlin—implemented the decision of SED leadership, and the " National Front " in turn implemented its decisions. Like all Communist parties the SED is subject to many purges. There has been a persistent attempt to get rid of former Social Democrats and all persons who have returned from the West.

Despite the effectiveness of Communist control, the existing opposition necessitates alertness on the part of the State Security Service, which is organized as a disguised army. Six former high German generals hold responsible positions in it:

1. General Wulz, Chief Inspector in the Main Administration for Training
2. General Lattmann, Group Commander of Brandenburg
3. General Weissenberger, Group Commander of Mecklenburg
4. General van Weeck, Group Commander of Saxony
5. General Breithaupt, Group Commander of Saxony-Anhalt
6. General Schubert, Group Commander of Thuringia

The total strength of the East German Police is estimated at 250,000. The special units of 70,000 men had increased their

[48] *Berliner Zeitung am Abend,* Feb. 16, 1950.

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effectives to 130,000 by the end of December 1950. The goal of the People's Police is a total strength of 400,000 men. The highest military administration for training as well as the main office for the water front police (*Wilhelmsruh*) are in Berlin (Adlershof). Early in 1951 a headquarters for an air police was established.

The Administration for Training functions as a Ministry of War. Wilhelm Zaisser is political chief, Kurt Maron the military head and Kurt Hoffman the Inspector General. All three are old-time Communists. Zaisser is the famous "Red General Gomez" of the Spanish Civil War. Around these officials are former generals and officers of the Hitler army. Hans Wulz, adviser to Maron, was commander of the Artillery Corps IV near Stalingrad. Members of the old general staff, like Heitsch and Engelbrecht, are in the planning division. The group commands are divided into 39 special corps, each corps equal to a regiment, and are subdivided into four commands of four platoons each. In addition, there exist twelve military schools, each instructing a regiment of ten companies. There are six special units whose strength equals a regiment.

A well-organized unit operates against "subversive" activities, with many members of the Free German Youth serving in it. The whole training program aims to develop a corps of military and political leaders, who some day may be able to take command of a large German army.[49]

Many members of the Communist People's Police in Eastern Germany have fled to West Berlin and reported that they had been hoodwinked into enlistment "under the pretext that they would be assigned to civilian police duties."[50] A trial of the

[49] *Der Stern*, Oct. 29, 1950. *Cf.* "Bericht ueber den Aufbau der Volkspolizei in der sowjetrussischen Besatzungszone" (summer 1950), presented by Bundesministerium fuer Gesamtdeutsche Fragen in Bonn, printed as manuscript; *News from Germany*, Feb. 1950, published by the Social Democratic party, Hanover; "Recreation of the Gestapo", *Stuttgarter Zeitung*, Apr. 12, 1950. See also *Collier's*, Aug. 12, 1950, "Soviet Germany's Army"; and *Remilitarisierung und Aufruestung in der Sowjetzone*, pp. 102 *et seq.*, SOPADE, Informationsdienst No. 55, published by the Social Democratic party, Bonn.

[50] *New York Times*, Dec. 3, 1950; see also *Christian Science Monitor*, June 26, 1950; *Staatszeitung & Herold*, New York, June 22, 1950.

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members of the People's Police arrested in West Berlin for unlawful carrying of weapons revealed that the People's Police is in reality an organized military force.[51]

This new German army fascinates German youth. When in May 1950 after the parade of the Free German Youth in Berlin " row after row of bronzed soldiers in the black uniforms of the Bereitschaften was following ", a West German, former member of the Hitler Youth, exclaimed: " It's amazing! It's just like the old days. Why, even the music is the same! " [52]

Former officers of the *Wehrmacht* not only are in leading positions in East Germany, but comprise 52 per cent of all major functionaries, as state secretaries, police chiefs, mayors, and so on. The most prominent are: Luitpold Sedler, Walter Bahler, Paul Markgraf, Vincenz Mueller, Fritz Ruecke, Ernst Hadermann, and former Major General Otto Korfes.[53]

Many contacts exist between East Germany and the West. Dr. Guenther Gereke, Minister of Agriculture and Deputy Minister of Lower Saxony, was expulsed, because on June 7, 1950, he secretly visited Walter Ulbricht.[54] Albert Norden, press chief of the German Democratic Republic, admitted: " We have many friends in West Germany, not only among the workers but among business men, war veterans, and other groups. We welcome all patriots who place German unity above all other considerations." Industrialists like Bertha Krupp receive Russian emissaries.[55] A newspaper reports that within one month 10,000 business men of West Germany made contact with economic offices of East Germany. Many *Rueckversicherer* carry the membership card of the SED and make permanent contributions to the Communist cause.[56]

[51] *Augsburger Tagespost*, May 11, 1950, and " Secret Trip to Germany ", by Eric Waldmann, *Herald Tribune*, Sept. 22, 1950.

[52] *Collier's*, Nov. 25, 1950, p. 22.

[53] *Die Neue Zeitung*, Berlin edition, Aug. 17, 1949. The *Fuldaer Volkszeitung*, Aug. 1, 1950, reports that Vincenz Mueller visited West Germany at the end of July 1950 to recruit former German officers for the East German People's Police.

[54] SOPADE, *Socialdemokratische Partei Korrespondenz*, No. 899, July 1950.

[55] *Collier's*, Nov. 25, 1950, pp. 68 and 70.

[56] *Deutsche Zeitung*, Mar. 11, 1950.

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There is little doubt that every move which the German Democratic Republic makes in the foreign policy field is initiated, supervised and approved by Moscow. Considerable activity was exerted by Foreign Minister Dertinger, who in addressing the Parliament stated that East Germany would sign a peace treaty with Soviet Russia for the whole of Germany.[57]

In June 1950 the Germans were surprised by a state visit to Poland made by Vice-President Walter Ulbricht, accompanied by Trade and Supplies Minister Georg Handke, Vice-Minister of Foreign Affairs Anton Ackermann, Vice-Minister of Planning Bruno Leuschner, and Vice-Minister of Finance Willi Rumpf. Broad economic agreements were concluded, and it was declared that " both parties will regard the new post-war Polish German border as permanent." [58]

> The Government of the Polish Republic and the Delegation of the German Democratic Republic, animated by the desire to consolidate peace and to strengthen the peace camp which is fighting under the leadership of the Soviet Union against the machinations of the imperialist forces and taking into consideration the achievements of the German Democratic Republic in the task of consolidating the new democratic order . . . have resolved in concert that the marking of the inviolable frontier of peace and friendship on the Odra and the Nysa (Oder and Neisse) fixed and existing between the two states is in the interest of the further development and deepening of good neighbor relations and friendship between the Polish and the German nations.[59]

This solemn declaration (branded as treason in West Germany) was implemented by a formal treaty signed by the Germans Otto Grotewohl, Prime Minister, and Georg Dertinger, Foreign Minister, and by the Poles Josef Cyankiewicz and Stefan Wierblowsky.[60] On June 21, 1950, Walter Ulbricht announced in Prague, " that his government would renounce

[57] *Herald Tribune*, Feb. 23, 1950.

[58] *Christian Science Monitor*, June 7, 1950.

[59] Polish German Agreements, June 6, and July 6, 1950, in *Poland Documents and Reports*, No. 8, Polish Research Service, New York, p. 4.

[60] *Ibid.*, pp. 12 *et seq.*

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all claims for two million Germans to live in the Sudetenland.[61] Between the German Democratic Republic and the Republic of Czechoslovakia there are no more open questions." [62]

In July 1950 East Germany joined the Eastern Council of Mutual Economic Aid, the economic bloc of satellite states created by Russia as one answer to the Marshall Plan.[63] The SED convention of July 1950 brought East Germany still closer to Russia and outlined a plan to "liberate" West Germany.[64]

The Constitution of the so-called German Democratic Republic regulates religious worship,[65] granting to each citizen complete freedom in matters of faith and conscience and the right to worship as he pleases (Article 41). Yet there have been distinctly hostile actions against the church. Reports for 1950 indicate that no concerted drive exists against church attendance.[66] Many intimidations, however, have to be listed. Surveillance of the sermons in the churches, as demanded by SED functionary Hausschild-Thuringia, is only one example.[67] There has been increased pressure to bring the church into line with SED policy.[68]

Outright attacks on priests speaking up against "the inhumanitarian and undemocratic aspects of the Communists" are reported; [69] but Bishop Otto Dibelius declared boldly that "the church would not be used for political ends", either in East or West Germany. In a pastoral letter signed by D. D. Dibelius and sixteen other church dignitaries this issue was sharpened.[70] There has been no showdown with the churches yet. Helmut Lehmann, member of the SED Politbureau, stepped up the war

[61] As of August 1938 approximately 3½ million Germans lived in Czechoslovakia, of whom nearly 3 million lived in the Sudetenland.

[62] *New York Times*, June 22, 1950.

[63] *Herald Tribune*, July 23, 1950.

[64] *Christian Science Monitor*, July 25, 1950; *New York Times*, July 27, 1950. See also *Frankfurter Allgemeine Zeitung*, Aug. 5, 1950, "Ulbricht Scares Us".

[65] Steinhoff, *op. cit.*, pp. 31-33. [66] *Report on Germany*, p. 38.

[67] *Neue Presse*, Coburg, Feb. 25, 1950.

[68] *New York Times*, Apr. 16, 1950. [69] *Report on Germany*, p. 38.

[70] *New York Times*, Apr. 24 and 25, 1950; see also *Die Junge Welt*, May 19, 1950, which reprints the full text of the letter.

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of nerves against the church, attacking it as " a servant of the ruling class and militarism " and accused the prelates of having given the blessing to " Hitler's robber war ". Simultaneously, the Communist papers carried the text of a declaration of Prime Minister Otto Grotewohl offering government protection to any clergyman who coöperated with the Communists. " According to the text and spirit of the Constitution," the proclamation says, " every citizen has not only the right but also the duty of coöperation and identification with the government of the German Democratic Republic, not only in his community but also in his district and state." Grotewohl promised protection to those clergymen who exercise their civil rights " especially in behalf of the National Front ".[71]

The church—Protestant and Catholic—has been steadfast in resisting lures and threats, invitations and orders; but obviously relations between church and state have become estranged, more tense, and the resources of church funds " have been drying up rapidly ".[72]

" Art, science, and their teachings are free ", so reads the Constitution (Article 34, paragraph 1).[73] But all former teachers, who have not been adaptable to the new Communist concept of education, were removed. The communizing influence has been promoted on all levels. A swift and impressive job of revising the textbooks to get rid of Nazi doctrines was done. Prerequisite for a successful, progressive pedagogue is the expansion of " genuine democratic national consciousness ". The teacher shall promote friendship " with all peace-loving people ", meaning the Soviet Union and its satellites.[74] Teachers are chosen for ideological fitness. The students are pressed to join the Free German Youth.[75] A history book

[71] *New York Times*, June 17, 1950.

[72] *Report on Germany*, p. 39. See also *Christian Science Monitor*, July 31, 1950; *Die Neue Zeitung*, Munich, Aug. 7, 1950; *Staatszeitung & Herold*, Aug. 31, 1950.

[73] Steinhoff, *op. cit.*, p. 28.

[74] " Die Schulreform in der Sowjetzone ", *Neue Zeitung*, June 7, 1950.

[75] " Sowjet Zone Universitaeten ", *Staatszeitung & Herold*, Aug. 20, 1950; see also *Report on Germany*, p. 38.

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written by the Russian, Professor A. W. Mischulin, of which 55,000 copies were distributed to the schools, was attacked by the churches on account of its anti-Christian doctrines.[76]

" Every teacher must be political. In politics the SED—and the SED alone can claim the right to do so—will take the lead, other parties must follow. Every teacher must first and foremost be an official of the SED." [77] That is the philosophy to which about three million youth in East Germany are subjected.

Arts serve the politics of the Communists. Movie houses play *The Battle of Stalingrad, The Battle of Berlin, Meeting on the Elbe,* glorifying the defenders of " democracy ". In Berlin " as in Moscow one can see ' Wolves and Thieves ', or Tschaikowsky's production of ' Romeo and Juliet '." East Berlin's night life is " gradually reduced to the Moscow level ".[78]

Only those publications dedicated to further the Communist " or Soviet " cause are permitted in East Germany. The Goebbels of the press is the notorious Gerhard Eisler.[79] Many editors had to leave their positions suddenly.[80] Radio, periodicals and books are controlled in spite of Article 9 of the Constitution guaranteeing freedom of opinion.

Early in 1950 the East German leaders had decided to build up a master card index file showing the political history of every one of the adult population. " We must know ", Herbert Warnke, State Secretary of the Interior Ministry, asserted, " the beginning and the end of a person's membership in political parties and organizations. It is immaterial whether it is the SPD, KPD, CDU, LDP, or NSDAP." [81]

The Soviet military authorities had previously imprisoned 231,000 Germans during the five years of the occupation, among them Nazis, but also many anti-Nazis, who had been in

[76] " Geschichts-Unterrichts in der Ostzone ", *Augsburger Tagespost,* May 23, 1950.

[77] *New York Times,* Nov. 15, 1950.

[78] " Russia is Creating a Moscow in Berlin ", by Josef Newman, *Herald Tribune,* Apr. 9, 1950.

[79] *Herald Tribune,* Mar. 2, 1950.

[80] " Anstalt fuer Gemuetskranke ", *Der Spiegel,* May 11, 1950.

[81] *New York Times,* Feb. 13, 1950.

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the concentration camps during Hitler's rule.[82] When on March 10, 1950 all camps were dissolved, it was estimated that 95,000 inmates had died; 37,000 internees were allegedly deported to Soviet Russia; 14,720 prisoners were released and 13,530 turned over to the German administration; and 1,390 persons were transported to the U.S.S.R. More than 20,000 search requests were submitted by next of kin to the *Kampfgruppe gegen Unmenschlichkeit* (Group Fighting Against Inhumanity).[83] According to Russian sources three concentration camps were closed in January 1950 and 15,038 prisoners released. Control was turned over to the East Germans.[84] Dr. Rainer Hildebrandt of the *Kampfgruppe* declared that 23,000 Germans were in Soviet custody.[85] Bishop Dibelius and Probst Grueber, who were allowed to conduct Christmas services in the camps, stated that the inmates lived under much better conditions than they had expected.[86]

During the elimination of rebellious Christian Democratic Union and Liberal Democratic party functionaries many fled to the Western Zone, others were arrested. In February 1950 Bernhard Mutius, personal spokesman of East German Foreign Minister Dertinger, was arrested; others resigned from their posts.[87] The figure of those who succeeded in fleeing was given in June 1950 as 85,000.[88]

The East German population lives in fear of the arbitrary arrests and the spy system exercised by thousands of party agents. Prisons are overcrowded; the magistracy is only independent in name. Many jurists (15 a month) flee.[89] In

[82] *Auch das ist Deutschland: Bericht von drueben,* published by the Kampfgruppe gegen Unmenschlichkeit, p. 3; *Das System des kommunistischen Terrors in der Sowjetzone,* Memorandum No. 28, SOPADE, Hanover, a thorough study of the camps and measures applied.

[83] "Presse- und Informationsdienst", Kampfbund gegen Unmenschlichkeit, Goettingen, Mar. 10, 1950; *Die Konzentrationslager in der sowjetisch besetzten Zone Deutschlands,* Bericht der Kampfgruppe gegen Unmenschlichkeit.

[84] *Herald Tribune,* Jan. 17, 1950; *New York Times,* Jan. 14 and 17, 1950.

[85] *Die Neue Zeitung,* Munich, Oct. 21, 1950. [86] Settel, *op. cit.,* p. 409.

[87] *The Times,* London, Feb. 19, 1950. [88] *New York Times,* June 14, 1950.

[89] Norbert Muehlen, "The Underground of Fear", *The New Leader,* Dec. 4, 1950, p. 16.

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Waldheim and Bautzen the " enemies of the state, the saboteurs of East German economy ", are tried. In 220 trials the defendants received 3,200 years of forced labor.[90] Rebellious Communists are subject to arrest. The most prominent have been: Bruno Goldhammer (Deputy Propaganda Chief and Communist for twenty years), Paul Merker (State Secretary of the Agriculture Ministry and former Politbureau member), Leo Bauer (chief-editor of Radio-Berlin), Willy Kreikemeyer (Director General of the East Zone Railways), Lex Endes (former chief-editor of *Neues Deutschland*). They were accused of espionage in connection with United States citizen Noel Field, who, together with two other members of his family, mysteriously disappeared.[91]

Kidnapping and deportations were widespread. Many " delinquents " were sentenced to from ten to twenty years of " forced labor ".[92] The West German government launched a solemn protest against these happenings, appealing to the democracies of the world " to stand by the German people in its struggle."

The Economic Development During 1950

" If we succeed in combining the raw material resources of the Soviet Union with the industrial efficiency of German workmanship, we shall attain formidable economic prosperity ", wrote Josef Stalin to Wilhelm Pieck. These words contain in a nutshell the economic program of Eastern Germany.[93] For a number of reasons, however, there has been an acute manpower shortage in East Germany. Claims of success cannot be checked from published statistics, " which like all statistics from behind the iron curtain are designed to impress but not to enlighten." [94] The Two Year Economic Plan was started on January 1, 1949. It provided 1950 production goals to exceed

[90] " Im Namen des Volkes ", *Frankfurter Neue Presse*, July 29, 1950.

[91] *Herald Tribune*, Sept. 2, 1950; Edwin Hartich, " The Arrest of Leo Bauer ", *Herald Tribune*, Sept. 16, 1950.

[92] SOPADE, *Das System des kommunistischen Terrors*, p. 102.

[93] Quoted from *Christian Science Monitor*, Feb. 1, 1950.

[94] " East German Recovery ", *The Times*, London, Feb. 9, 1950.

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slightly, on the average, the 1936 level of industrial and agricultural output.

The following picture of the economic situation emerges. In the first few years after 1945 the Soviet Union exacted from East Germany more in reparations than have the three Western Powers together from their zones, despite the fact that the Russian zone comprises only 25.5 per cent of the population, 31.2 per cent of the agricultural production and 26 per cent of the industrial output of Germany as of 1936.[95] It has been estimated that the value of the total reparations removed since 1945 was about 11 billion West marks at 1944 prices.[96]

In answer to a Moscow announcement that the Soviet Union would halve the reparations it claimed from Eastern Germany, leaving $3,170,000,000 to be paid over a fifteen-year period after 1950 " with goods from current production ", a spokesman for the United States High Commissioner said that early dismantling and looting, seizures from production and actual legitimate reparations amounted to $18 billion, which the Soviet Union had funneled in goods from East Germany since 1945.[97]

The Russian " gesture " means that East Germany has to deliver to Russia 74 per cent of her annual industrial production for the next fifteen years. The value of East Germany's annual industrial output is estimated at $500 million. The $211 million which she must pay annually for the next fifteen years amounts to $369 million at current market prices, equal to roughly 74 per cent.[98]

Paramount has been the need of steel and machinery. Steel could not be imported from West Germany because of the Russian-imposed blockade. The Russians reluctantly returned five small steel rolling mills and plants for the manufacture of tractors and motorcycles; but they imported quantities of iron, steel, grain and fats. The total in reparations or other removals

[95] Nehemiah Robinson, " Indemnification and Reparations ", Fourth Supplement of series, *The Working and the Results of the German Reparation Program*, Institute of Jewish Affairs, p. 27.

[96] *The Times*, London, Feb. 9, 1950.

[97] *New York Times*, May 17, 1950.

[98] Joseph Newman, " Stalin Debt Reduction: A Blow to East Germans ", *Herald Tribune*, May 17, 1950.

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from the zone was reduced—and, most strikingly, this policy continued after the blockade ended.[99]

Yet it must be realized that Russian influence in East German economy is dominant. About 126 concerns are run directly by the Russians and controlled by 30 Soviet *Aktiengesellschaften* (corporations), covering such important products as iron, steel, copper, brown coal, oil, tar, gasoline, chemical products, cars, bicycles and cameras. With these corporations the Russians control 34 per cent of the machine industry, 40 per cent of the electrical industry, 52 per cent of the chemical industry, 25 per cent of the optical industry, 10 per cent of the paper industry and 10 per cent of the building industry. These corporations have established themselves in such key positions that 3,000 nationalized and 24,000 private concerns depend on them.[100] The Soviet corporations are largely engaged in reparation contracts. They include the zone's largest engineering works, and employ nearly one fifth of the zonal labor force. "Nationalized concerns . . . employ almost half of the available workers. Only about one third of the east zone workers are still employed in private industry." [101]

The impact of Russia's investment in the East German economy has been estimated by *Deutsches Institut fuer Wirtschaftsordnung* at 3.2 billion marks (not indicated whether East or West marks).[102] In addition to the Soviet corporations many Soviet trade corporations exist, which export and import medicaments, medical equipment, food, tobacco, leather goods, such as Rasmo Export and Rasmo Import.

In the Erzgebirge—a mountain chain along the Czechoslo-

[99] *The Times*, London, Feb. 9, 1950; "East Germany's Economy Tailored to State Control", by J. Emlyn Williams, *Christian Science Monitor*, Apr. 6, 1950.

[100] *Die sowjetische Reparationspolitik seit 1945*, Social Democratic party, Memorandum No. 29, p. 22. By the fall of 1949 it was estimated that industrial production in the Soviet Zone was divided by value as follows: people's properties, 42 per cent; co-ops and unions, 8 per cent; Soviet corporations, 25 per cent; private business, 25 per cent. Settel, *op. cit.*, p. 405. At the beginning of August 1950, only approximately 22 per cent of the East German enterprises remained in the hands of individual owners, and private business was supposed to be reduced in 1951 to 15 per cent, according to the *New York Times*, Aug. 3, 1950.

[101] *The Times*, London, Feb. 9, 1950.

[102] SOPADE, *Die sowjetische Reparationspolitik*, p. 26.

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vakian border—the Russians have established intensified mining operations for uranium. Nearly 100,000 workers are employed here.[103] One of the largest corporations is known as Wismut A.G. at Niederschlemmerweg, Aue. Since employment offices of the East German government are empowered to direct persons into jobs, a worker may receive the following order:

> You are herewith ordered to report for work for a not determined length of time with the employment office in Aue (mining). You report on date at hour at street and you have to bring with you all your working papers as your labor book, insurance cards. The information on the back of this paper should be read carefully. Your employment can be discontinued only by the Employment Office to which you are hereby designated . . . .[104]

Many of the conscripted workers—men and women—run away if the opportunity presents itself. Approximately 150,000 men—police and parachute military units—guard the mines and try to prevent escapes.[105]

The Two Year Plan, adopted on July 21, 1948, was declared completed on July 1, 1950. On July 23 at the SED convention Walter Ulbricht announced the Five Year Plan.[106] Labor's productivity is to be increased by 60 per cent between 1951 and 1955, while wages will rise only from 16.8 to 20 per cent. The degree of exploitation becomes even more evident, when we learn that the general wage fund—that is, the total amount set aside for wages and salaries—will increase by only 37 per cent during the five-year period while the number of workers employed is estimated at 25 per cent larger than in 1950.[107]

[103] Settel, *op. cit.*, p. 384. See also *Report on Germany*, p. 37; *Der Uranbergbau in der Sowjetzone*, Social Democratic party, Memorandum No. 27, containing a survey about operation, expansion and induction of workers.

[104] SOPADE, *Der Uranbergbau in der Sowjetzone*, p. 32.

[105] Settel, *op. cit.*, p. 386; *Report on Germany*, p. 37.

[106] Karl Bergmann, "Sowjetischer Reparationsplan fuer Fuenf Jahre", *Die Neue Zeitung*, Munich, Aug. 5, 1950.

[107] Paul Wohl, "East German Economy Forging Ahead", *Christian Science Monitor*, Aug. 30, 1950.

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Eastern Germany boasts that it is an economic attraction for West Germany. Trade agreements existed in 1950 with every country of the Soviet bloc (except Albania and North Korea). East German producers market in China. Besides, there are agreements with some Western countries, for example, with Sweden. The trade with Poland alone increased from $14 million in 1946 to $150 million in 1949. On the basis of the trade agreements East Germany ranks second in trade volume with Poland.[108]

The value of the East mark is inflated. In March 1950 there was a considerable slump. On March 16, 1950, one West mark was worth 7.40 East marks. A day later 1 West mark cost 8.75 East marks and on March 18, 9.20 East marks. Slowly the East mark climbed upward, and on September 6, 1950 for 1 West mark only 4.50 East marks were paid. Even during the March panic many Berliners bought East marks at the cheap rate, rushed to East Berlin and bought everything on which they could lay their hands.[109]

Illegal trade between the East and West zones is considerable. The embargo on steel, declared by the West German government on February 6, 1950, could not be enforced. Fourteen days later an agreement between the two governments was concluded, and the embargo was lifted. It meant that West Germany's steel deliveries at the rate of 1,000 tons a day were continued.[110]

A few months later the West Allied High Commission sanctioned the lifting of the embargo. It was estimated that approximately 100,000 tons of raw steel and finished steel products, such as machine tools, had been smuggled across the zonal border. The report of the *Deutsche Zeitung* of March 11, 1950, that during one month 10,000 business men from West Germany tried to get orders from the East, was confirmed by the circumvention of the steel embargo by West German industrialists.

[108] Paul Wohl, "East Germany's Trade with Poland Scales Peak", *The Christian Science Monitor*, July 6, 1950.

[109] *New York Times*, Mar. 18, 19 and 20, 1950.

[110] *Herald Tribune*, Mar. 5, 1950.

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Food and other essentials are rationed (daily basic rations in 1950: 1 pound of black bread, 1 ¼ ounces of noodles, about 1 ounce of jam and meat, about 1 ounce of sugar, and 1 ½ ounces of fat). For heavy workers, mine workers, and so on, these rations are considerably increased. There are organized *Handels Organisation* stores and restaurants, where everybody able to pay may buy and eat. But these stores are not patronized by many, since weekly earnings are on a low prewar level. A woodcutter living with wife and child and two in-laws earns 30 East marks net weekly; a high school professor earns 875 East marks gross a month, the net of which is 450 East marks.[111] Journalists visiting the Leipzig Fair were lodged with German families and reported extreme scarcities in East German homes; three meals a day can be afforded only by Communists.[112]

An extensive land-reform program has been put into effect in East Germany. Big estates owned by Junkers and war criminals were divided into small plots of 12 to 20 acres. Within the first two years after 1945, 7,200,000 acres were distributed among 470,000 families, of whom 120,000 were former landless farm hands, 105,000 small farmers, and more than 80,000 refugees from the former provinces of the East.[113] Though collective farming had not been introduced in 1950, all supply, market, monetary and credit activities of the peasants are centralized in one organization. The village coöperatives already have a membership of 900,000. Machinery is loaned to the peasants by the *Maschinen Ausleihestelle* (rental station of farm machinery, 600 of which were established during 1950). Under a priority system the government decides which farmer gets the tractor first.[114] The farm on a collective level gets special privileges; and producers on small and medium farms have been induced to think more and more in coöpera-

111 Confidential report.

112 "Inside Russia's Germany", by William Attwood, *New York Post*, Mar. 12, 13, 14, 1950.

113 Settel, *op. cit.*, p. 402.

114 "Tragoedie des ostdeutschen Dorfes", reprinted from the *Main Post* in *Staatszeitung & Herold*, Aug. 31, 1950.

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tive terms.[115] The *Wirtschaftliche Ein- und Aufkaufs Behörde* [WEAB] (Agricultural Purchasing Agency) buys almost all the farmer's crop at a price " too low to cover his costs ". The sale is compulsory. What the farmer retains is barely enough to keep him from starving.

Loss of money, taxes, frozen or rotten seed, drive the farmer to the Soviet collective farm, and the coöperative is only the first step in this direction. The WEAB has set crushing quotas favorable to the small farmer. In Mecklenburg and Pomerania the church has been allowed to retain its large landholdings which are leased to small farmers. Unable to pay the rent because of the WEAB system, some of these farmers have abandoned the land and fled to the West. Others have joined the People's Police or have gone to the uranium mines.[116] Grain is delivered to the West in exchange for steel.

In 1949 Russia imported 380,000 tons of grain from East Germany.[117] There remains a serious gap between production and consumption in East Germany. Consumption is estimated at between 45 and 60 per cent of the 1936 level.[118]

* * * * *

The grip of the Communists on the East German population has not been loosened during the period since 1950. As a result, the state of mind of the East Germans is one of fear and depression. But like their Russian masters the German Communists concentrate their efforts on the Eastern German youth, and they have continued to make gains in winning them over. As long as East Germany is occupied by the Russians—and that will continue even if Russian troops are replaced by a German People's Police—the German Democratic Republic will remain a most dangerous dagger aimed at the exposed body of Germany.

KURT R. GROSSMANN

KEW GARDENS, N. Y.

115 *Report on Germany*, p. 37.

116 " Secret Trip to Red Germany ", by Eric Waldmann, *Herald Tribune*, Sept. 21, 1950.

117 *The Times*, London, Feb. 9, 1950. 118 *New York Times*, Apr. 22, 1950.

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REVIEWS

The Lobbyists: The Art and Business of Influencing Lawmakers. By KARL SCHRIFTGIESSER. Boston, Little, Brown and Company, 1951.—xiv, 297 pp. $3.50.

Congress: Its Contemporary Role. By ERNEST S. GRIFFITH. New York, New York University Press; London, Oxford University Press, 1951.—vii, 191 pp. $3.50.

A skilled journalist places the general reader in his debt by undertaking an analysis of the hearings and reports issuing from a significant congressional investigation. The value of such an effort is the greater when the substance of the investigation is highly technical or when the investigating committee has operated in a meandering and disorderly fashion. The hearings on which Mr. Schriftgiesser's book is primarily focused, those before the House Select Committee on Lobbying Activities, held in 1950 under the chairmanship of the late Representative Frank Buchanan of Pennsylvania, are of the latter sort. The author has done a competent job of arranging and analyzing the materials in the Select Committee's seventeen volumes of hearings and reports.

The first five chapters are a cursory history of lobbying and investigations of lobbying from the early nineteenth century to 1946. This section performs adequately its major function of indicating the ancient origins and consequent inevitability of lobbying. The author is somewhat less successful in his parallel effort to explain why no general legislation regulating "the third house of Congress" was placed on the statute books until the Seventy-Ninth Congress. Chapters six and seven deal with the La Follette-Monroney Committee, which gave birth to the Legislative Reorganization Act of 1946, of which the Federal Regulation of Lobbying Act is a part, and with the early difficulties obstructing full compliance with the provisions of the regulatory measure. These pages tell the story competently, but in the interests of fairness and accuracy it should be pointed out that the La Follette-Monroney Committee can *not* be "justly criticized for failing to reform the House Rules Committee, for failing to put a curb on the filibuster, and for leaving untouched the vitiat-

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ing seniority rule for committees" (p. 77). These things the Committee was forbidden to do by the resolution which created it.

The Buchanan Committee's efforts provide the substance of eight chapters, roughly a third of the book. These are handled well, particularly the materials on the reluctance of various "business" interest groups and their supporters to make their activities public, on the "indirect" lobbying of some of the self-styled "educational" foundations, and on the alliance between such groups as the Committee for Constitutional Government and John T. Flynn which resulted in plastering the country during 1950 with millions of copies of the latter's "scare" book, *The Road Ahead*. One might wish that Mr. Schriftgiesser had devoted more than one brief chapter to the activities of the private housing groups, on which the Committee spent a large measure of its energies and resources, and that he had attempted to explain why these organizations apparently were a primary target for the investigation. The final chapter of the book deals with the passage of the Atomic Energy Act of 1946 and apparently is intended as a kind of peroration, to show "how a 'peoples' lobby' defeated the 'vested interests' with their own weapons" (p. 237) and to warn against future efforts by "big business" to "abrogate" the public monopoly established by the legislation (pp. 250-53). The two appendices contain the text of the Federal Regulation of Lobbying Act and a note on lobbying before state legislatures. The author has also provided a useful selected bibliography.

Schriftgiesser's book is at its weakest when it departs from the strictly reportorial function. His efforts to explain the emergence of "politics by pressure" are superficial. (*Cf.* pp. 18-19.) His attempts to borrow from the thinking of scholars who have looked longer at the phenomena he discusses can be criticized in stronger terms. For example, his interpretation of Arthur F. Bentley's *The Process of Government* is little short of caricature. The sage of Paoli, Indiana, would be hard put to it to recognize his brain child as an effort "to explain the threat to direct democracy which pressure groups exerted," as an endeavor "to show the continuing connivance between the elected representatives and the lobbyists of powerful special interests," or an attempt "to show how organized minorities acting for private interests masqueraded as the majority and persistently defeated the public interest" (pp. 29-30).

Mr. Schriftgiesser understandably presents *The Road Ahead* as a book "written to scare people" (p. 195). His own efforts might not unreasonably be described in the same terms, especially in those

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chapters where he deals with the large expenditures on "indirect lobbying" by groups supported by business corporations and executives. His account of the evidence on these activities is excellent, but he follows the line of the Buchanan Committee (which was also trying to "scare people") somewhat too closely in interpreting their effects. (*Cf.* p. 204.) Easy generalizations on this point not only "scare", but they assume too much about the processes of opinion formation and by implication carelessly impugn the capacity of the United States government, and especially of the Congress, to govern effectively.

Dr. Griffith's book, the published version of the latest of New York University's distinguished James Stokes Lectures on Politics, is an excellent antidote to the kind of thinking that is over-ready to write off the Congress as an aggregation of puppets passively reacting to the initiatives of pressure groups. Griffith deals effectively with the resistances and sources of independent action that characterize Congress as an institution, and in so doing he narrows "the gulf between the popular picture of our national legislative body and its reality" (p. v) which provided the initial impetus for these lectures. Especially in dealing with the informal usages of the Congress and with the influence of the legislative rôle upon those who play it, the book does much to reëstablish the integrity of, and to demolish the passive notion of, the national legislature.

Congress is a book of interpretation and of opinion rather than a descriptive report based on systematic research. The views it expresses are in many instances highly controversial, but they are entitled to respect, not only because of the cogency with which they are presented, but equally because of the author's long service as director of the Legislative Reference Service of the Library of Congress.

The theme of the fifteen short chapters of the book is the author's conception of the changing constitutional position of the Congress, which he sees as a result largely of altered usage and custom. The argument can be summarized briefly in the following terms. Congress has since 1920 changed internally in the direction of greater "clarity" and "diffusion of leadership". Conflict between the legislature and the executive remains the distinctive feature of the former's preoccupations, but in general each branch is able to force the other to reckon with its views and "hence assure responsible behavior" (p. 181). Congress has recently been able to restore equilibrium between itself and the executive by providing itself with professional staff, by adaptations in the appropriations process, and by various devices

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for legislative-executive coöperation. The pressure groups characteristic of a "dispersive" society, in league with clientele agencies and legislative committees, develop into "government by whirlpool", but elements of independence, notably looseness of party discipline, tend to curb excesses. The problem of an integrated governmental program is not yet solved, partly because the Congress, consequent upon the Supreme Court's adoption of unrelieved nationalism, has had to assume the responsibility for protecting the federal system. Proposals to increase party discipline would tend to weaken legislators' increased independence of thought in such fashion as to reduce resistance to the claims of special interests and to "accelerate the trend toward centralization that threatens our local self-government" (p. 182). Finally, Congress has demonstrated ingenuity in educating the electorate and has shown itself capable of effective action in an age of recurrent crises.

For many readers, including this reviewer, Dr. Griffith's argument suggests a tendency to over-react against the recent criticisms of the Congress and to over-identify with the national legislature as it now exists. The author assigns to Congress the chief responsibility for maintaining a balance among conflicting interests. His argument in this area, however, seems rather loose. Throughout the book Griffith tends to personify Congress, to treat it as a unit, as in the following passage: "Congress believes that it has had . . . . It further believes that it has been . . . . Consequently it does not trust . . ." (p. 32). Such passages are too frequent to be merely a matter of style. Combine them with his notion of "government by whirlpool" (more or less independent governing cliques composed of civil servants, members of congressional committees, lobbyists, and others), a notion which suggests anything but a unity, and the reader may find it difficult to share the author's composure. Presumably both notions—unity and diffuseness—are accurate in some measure. The problem then becomes how much of which, when. On that problem the author is not completely persuasive.

Griffith offers an impressive defense of the present functioning of Congress. He is understandably confident of the effectiveness of the legislative staff (*cf.* pp. 74-75), but one wonders how far such developments can go without their becoming targets of the same suspicions that have been directed at the bureaucrats of the executive branch. The author has a bit more difficulty in defending the appropriations process, the effectiveness of Congress in economic planning, and legislative initiative in crises. To this reviewer, moreover,

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he makes a much better case for the *inevitability* of Congressional involvement in foreign policy than for the *creativity* of Congress in that area.

The most controversial portions of the book, however, are those in which he defends the localism of national legislators and argues for decentralized and loosely disciplined national parties. He assumes what many will regard as a rather sentimental and perhaps unreal attitude toward the values of local autonomy. Arguing that both the President and the Supreme Court represent the national viewpoint, he asks (p. 146), "Is it not therefore all the more important that those elements in our government which by conviction sustain the values of local autonomy shall not be whittled down or eroded by so altering our structure, whether of party organization or of government itself, that this function is no longer effectively performed?" Much of his critique of recent proposals for remodeling the party system (pp. 156-69) is cogent, notably those calling for sharply defined parties of "Left" and "Right" and those which ignore the problem of feasibility, but one suspects that much of his own composure about the *status quo* derives not only from his predilection for local autonomy but also from some dubious historical assumptions, illustrated by such phrases as the following: "the greater extent to which political behavior in the nineteenth century was non-rational" (p. 149), "the steady increase in split voting and independence among the electorate . . . at least outside the South . . . making it necessary to nominate better candidates in large sections of our country . . ." (p. 155), "Congress is more and more shifting to reliance on research rather than controversy as the basis for decisions . . ." (p. 178).

Between Dr. Griffith and the proponents of tightly organized and disciplined national parties there is probably one thing in common. Each is talking about an extreme and improbable situation, the former about a degree of centralization which seems most unlikely of development as long as some measure of representative government remains, the latter about a degree of localism and decentralization which almost certainly has never existed. In the absence of more adequate research, we do not know precisely what the probabilities are. Until such evidence is forthcoming, however, the views expressed by Dr. Griffith, rarely so flatly stated by a responsible observer in recent years, are a welcome contribution to the debate.

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Man and the State. By JACQUES MARITAIN. Chicago, University of Chicago Press, 1951.—x, 219 pp. $3.50.

Jacques Maritain commences this work on political theory by several distinctions designed to divest the nation of political pretensions and the state of absolute sovereignty. The nation is a community, a work of nature related to the biological. The nation is " a cradle of life, work, pain and dreams ". It need not have a territorial area of power and administration. The state is a part of the body politic for the administration of law, and the body politic is not a community but a society, that is, an association bound together by a common hope. The body politic and the state enjoy full autonomy but not sovereignty, which is only another term for absolutism. A full autonomy may be relinquished in the interests of a world political order.

The end of the body politic is " the materialization of the gospel principles in terrestrial existence and social behavior." The means to be employed do not preclude the principle of the lesser good, and when all the restraints of civilization collapse even systematic deception as practiced by the resistance movement against the Nazis may become legitimate.

There are certain fundamental rights of man derived from natural law, a somewhat elusive concept because its principles are discerned through " natural inclination ", and because natural law is unwritten. Yet natural law is not utterly incapable of concretion because it rests upon a belief in a morality ingrained in the very structure of the universe. From this morality the rights of man are derived and they do admit of formulation.

The best form of government for bringing about a " moral rationalization of politics " is democracy, which " carries in a fragile vessel the terrestrial hope, I would say the biological hope, of humanity." The democratic pattern requires that the people cannot divest themselves of self-government and to them rulers are answerable. In the modern world the faith of democracy has become civic or secular, with this advantage that those of divergent religious faiths can converge on practical measures. Yet the democratic charter has religious roots and cannot survive without them. A problem therefore arises as to the best means of inculcating the democratic faith in a society which is religiously pluralistic. The best device might be to have the democratic faith expounded in turn by representatives of several confessions.

A practical problem is created by the coexistence of public and parochial schools which cannot be solved without a measure of in-

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justice. To grant public funds to parochial schools is to devote public money to private ends. But to refuse a subsidy is to make some people pay twice for the education of their children.

The degree to which democracy shall exercise restraints upon freedom of expression is a practical question to be determined with reference to the public good and with the recognition that "constructive means are exceedingly more efficacious than mere restriction of freedom of expression." "Prophetic shock minorities" who arouse the public conscience are exceedingly useful, but to distinguish them from sheer eccentrics is difficult before the public mind has passed a mature verdict.

On the relations of church and state the judgment is that the two should act in friendly coöperation as they actually do in the United States where the relations are more friendly than in any other land where the two are separated. A return to the system of the Middle Ages when the state was the secular arm of a Christian society is impossible. The church today should seek no other way of making her impact felt upon society than the method of persuasion. At the same time if the great majority of the citizens were Catholic the state would recognize in the church her superior and would accord to the church the status of recognition. Other religious bodies would enjoy toleration. Apparently Maritain has in mind the English system of an established church with toleration for the non-conformists. He distinctly endorses the statement of Cardinal Manning to Gladstone that the religious freedom of the non-recognized bodies would in no way be infringed. He does not make plain on what basis the Catholic Church would be recognized. Simply because of a numerical plurality? In that case if the Methodists happen to have an overwhelming majority would their Church then be accorded recognition, or would this privileged status be granted only to the Catholic Church on the ground that it is the true Church?

In the concluding discussion on the just war, Maritain says that he would like to see a synod of wise men to determine justice in conflicts. Odd that earlier he proclaims himself no idealist but an Aristotelian, and yet here he ends with a Platonic ideal of government by the wise!

The book as a whole is very reassuring and refreshing because it emanates from a distinguished Catholic who endorses the democratic faith, seems fairly well satisfied with the American variety of the separation of church and state, does not clamor for the substitution of parochial for public schools, commits himself wholeheartedly to the principle of religious liberty, and, while admitting that some restrictions may be placed upon the expression of opinions, would trust

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rather to persuasion than to constraint. What one would like to know is whether Maritain is representative of world-wide or even of American Catholicism. Does the Vatican endorse this political philosophy?

ROLAND H. BAINTON

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American Conservatism in the Age of Enterprise. By ROBERT GREEN MCCLOSKEY. Cambridge, Harvard University Press, 1951. —xi, 193 pp. $3.25.

In this volume perceptive and well-written studies of the ideas of William Graham Sumner, Stephen J. Field and Andrew Carnegie are made the vehicle of an interesting and important thesis about the development of the democratic tradition in America. Professor McCloskey begins by distinguishing within the democratic tradition two major strains: the centrality of the morally free individual, inherited from the Christian idea of the essential equality of all men before God; and the Lockean doctrine of the centrality of property rights. He believes that at the time of the American Revolution the first of these traditions, despite the emphasis upon property concerns that accompanied the revolutionary crisis, remained substantially unimpaired. Subsequently, and especially in the period following the Civil War, the democratic tradition underwent a marked deterioration. Economic freedom, originally taken as instrumental to the achievement of far more important humane freedoms, ceased to be a subsidiary value and became an end in itself. It was the broad public acceptance of this " perversion " of democracy that made possible the excesses of the Gilded Age. Conservatives like Sumner, Field and Carnegie were able to seize the symbols of democracy and natural rights, and use them to propagate an antisocial laissez-faire viewpoint because society at large accepted the fundamentally materialistic premises from which they started. In one of his most interesting passages Mr. McCloskey argues that such thinkers as Veblen and Parrington who stand in opposition to this type of conservatism gave away a large part of their case by the bland assumption, in the case of the first, that a materialist and matter-of-fact habit of mind is destructive to conservative dogma and, in the case of the second, by the uncritical assumption that all that is needed is the espousal of " critical realism ", and the abandonment of " all profitless romanticisms ". By turning realist and materialist, they accepted the capture of democracy by property. Mr. McCloskey's book thus serves as a footnote to two

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primary theses: first, that "the master concern of democracy in America is not business but humanity"; and, second, that democracy demands a form of spiritual assertion and an ethic of its own.

One may agree with Mr. McCloskey's concepts of both policy and morals without finding valid all of his conceptions of our intellectual history. I am by no means certain, but I suspect that a careful study of the American thought of the Revolutionary period would suggest that the Left-wing Puritan tradition of equality had already been far more impaired and the Lockean property tradition had grown far stronger than the author thinks and far stronger than Jefferson's substitution of "the pursuit of happiness" for "property" would superficially imply. I am somewhat surer that this process had gone very far indeed twenty years before the Civil War began. One could argue, after all, that Jefferson's hopes for democracy were really predicated too upon a kind of economic realism resting upon the broad dispersion of landed property; that property was always pretty central in the American democratic tradition; that certain humane values did not fall into sharp, practical contradiction with the property emphasis until the broad diffusion of property and entrepreneurial decision was supplanted by the corporate form of property. These reservations, which implicitly raise too many issues for discussion in a brief review, do not constitute, in my mind, reasons for abandoning the author's primary conclusions. As far as those matters are concerned which occupy the foreground of this book, it is a work not only of good scholarship but of disciplined thinking and rare moral substance.

RICHARD HOFSTADTER

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Midwestern Progressive Politics: A Historical Study of Its Origins and Development, 1870-1950. By RUSSEL B. NYE. East Lansing, Michigan State College Press, 1951.—422 pp. $5.00.

It is always a pleasure to read a historical study that combines factual narrative with sound interpretation, thoroughness of research with clarity of style. Russel B. Nye's *Midwestern Progressive Politics* is just such a study. Drawing upon a great body of monographs, articles and secondary works, Mr. Nye has written a valuable synthesis which traces the development of rural protest from the Grangers of the 1870's to the Farmer-Labor parties of the 1930's, from Donnelly through Bryan and La Follette to Wallace.

While recognizing the complexity and diversity of this movement, Mr. Nye has stressed its essential unity and consistency of purpose and

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technique, its acceptance of traditional principles of American democracy, and its basic moderation and conservatism. Mr. Nye has seen in the movement an attempt of small property holders, in a region recently emerged from the frontier experience, to restate Jeffersonian principles of agrarian democracy in an industrial age characterized by the concentration of economic power, materialism, and the decline of individualism. He has traced the contributions made by the Progressives to the enactment of political, social and economic reform legislation. He has noted the failure of this regional and economic group-protest movement to face up to the full consequences of an industrial and urban society and to the implications of one world.

Of special value and interest are the chapters which analyze the philosophy of progressivism and its relation to political policies and programs. In chapter iv, "The Capture of the Ivory Tower", Mr. Nye has discussed the contributions made to the midwestern progressive movement by such intellectual leaders as Lester Frank Ward, Richard T. Ely, John R. Commons, E. A. Ross, and the Social Gospelers. The author makes clear and valid distinctions between the progressivism of Theodore Roosevelt and that of "Fighting Bob" La Follette, and readers will not be surprised that it is the latter who again receives the historian's vote of confidence.

Some readers will probably be annoyed by the petty errors that have crept into an otherwise sound and delightful history. The title of Ignatius Donnelly's book attacking the "money trust" is incorrectly given as *Other People's Money* (p. 106), which was, of course, the title of a later book on the same subject by Louis Brandeis. Upton Sinclair's EPIC program of 1934 proposed to end poverty in California, not in Civilization (p. 359). And, if one accepts Nye's broad and valid definition of the Midwest to include the Great Plains, then it is not correct to maintain (pp. 176-178) that the Socialists never gained strength in that region, in light of the Debs vote in Kansas and Oklahoma in 1912.

The author's failure to discuss the ideas of midwestern progressive politicians on foreign policy issues constitutes a serious omission. The degradation and perversion of the progressive ideal in the careers of Langer, Wheeler, Shipstead, Lundeen, Nye, *et. al.* during the 1930's are hardly mentioned and certainly not explained. The Union party of 1936 is ignored completely.

Scholars and general readers will, however, welcome this new synthesis, and will rejoice in the success of Mr. Nye in making history lively and interesting, and relevant to the present.

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The United States and France. By DONALD C. MCKAY. Cambridge, Harvard University Press, 1951.—xvii, 334 pp. $4.00.

The story of the United States, since its birth to independence, and especially since the Civil War, is a record of astounding and virtually uninterrupted growth. During the same period, France, from the zenith of power, has declined to her present estate. This contrast alone would be sufficient to explain radical differences in outlook: history weighs heavily upon France, making for an attitude of pessimistic wistfulness; Americans are apt to look to the future as something the shape of which they themselves can mold.

The two peoples are, in fact, poles apart in many respects and their relations have often been neither understanding nor friendly. Yet their contacts have been of crucial importance to both, in the early days of the life of the United States as well as in our time. The present importance of the United States, to France as to other countries, needs no explanation; but the reverse may be less clear. This sets the framework, as well as the limitations, of the book.

The first part of it (sections 2 to 5) is devoted to an exposition of the complex that is France: land, people, government, and a rapid survey of Franco-American relations. Within so brief a compass, this is ably done. The section on " the people " shows objective, yet sympathetic, understanding of differences. The contrast might have been extended to the different meanings of freedom in the two countries.

Following this essential background, comes the heart of the book, which deals with current problems, appropriately beginning with the events of 1940. The author is well aware of the necessarily provisional character of any judgment on matters so contemporary. Subsequent events may be said to have shown conclusively that the French decision of June 1940 was a mistake. This is not the same as appraising that decision in the context of its own time.

Interestingly, France found it as difficult to appraise properly her diminished standing after the war (*vide* de Gaulle's speeches and behavior) as the United States to recognize its enormously enhanced position. For both, Russian action has clarified matters and opened the way to the present attempt at integration under American leadership. In any reasonable view, France is bound to play a crucial rôle in either European or Atlantic integration.

This raises the question of France's potential and of the management of it. This potential, material and moral, is considerable, but, if there are grounds for optimism, there are also dark sides to the pic-

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ture. Basically, the problem lies in the French failure to keep up with the modern world in some essential respects. Most of all, economic and financial backwardness must be remedied, a fact of which some Frenchmen are well aware. This is fundamentally a French problem, and a particularly difficult one, the solution of which must come from within.

The overriding consideration, however, lies perhaps in the fact that it is not a case of America saving France, any more than it is of the French fighting someone else's battles. We are again in a situation where, as on some other occasions, the interests of the two countries run parallel. In this lies the soundest basis for coöperation, and to the exposition of this view this latest addition to " The American Foreign Policy Library " makes a useful contribution, enhanced by a valuable compendium of up-to-date statistical information.

René Albrecht-Carrié

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Germany and the Future of Europe. The Norman Wait Harris Memorial Foundation Lectures, 1950. Edited by Hans J. Morgenthau. Chicago, The University of Chicago Press, 1951.—viii, 180 pp. $3.50.

To those of us who have been following recent developments in Western Germany with increasing alarm—and have been dismayed at the generally prevailing ignorance about these developments—most of these lectures will be disappointing; for the general impression they convey, with certain exceptions, is one of satisfaction with the kind of Germany we have on our hands after five years of occupation and " reform ". Moreover, in some kind of " integration " into the Atlantic community, they see apparently a magic way of making the Western Germans overnight a part of that community, spiritually and intellectually.

The kind of reality such thinking represents is expressed in remarks like Mr. Herbert Marcuse's (identified as a member of the State Department) that " there are no anti-democratic popular movements in Germany today . . . . Everybody and everything is democratic " (p. 108). There are, however, also a number of lectures—those of Professors Sigmund Neumann (Wesleyan), Walter W. Heller (Minnesota), Franz L. Neumann (Columbia), and Mr. James M. Warburg—in which a considerably more perceptive—and critical—view of things obtains, and these lectures the reader will find rewarding, as well as a

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warning against the kind of policy the "Big Three" seem intent upon continuing.

In Sigmund Neumann's paper, for example, one gets a well-documented report on the impact of the influx of almost ten million refugees and expellees, mostly from the East. Remembering what a large number of unemployed meant for the rise of Hitler, one notes with apprehension that in the two states (Schleswig-Holstein and Bavaria), where these newcomers constitute the greatest percentage of the unemployed, the electoral strength of nationalist and reactionary movements has shown its greatest resurgence. Professor Neumann mentions "the spectacular recovery", which has already reached 1936 levels of production, but he points out that this has not been followed by a general recovery in living standards (real wages, for example, being still only 70 per cent of the 1936 level). And failure to deal energetically and imaginatively with this, as well as the whole question of the future integration of the expellees, is only one example of the Adenauer government's largely do-nothing policies.

But the occupying Powers certainly bear a measure of responsibility here. Professor Heller asks what many of us have been asking: why should a Labor government in Great Britain and a "Fair Deal" Democratic administration in the United States, in Germany, foster economic policies of undiluted orthodoxy? He shows that such policies, including the nature of the currency reform, have been followed—to cite only one example—by tax policies ("high profits and generous tax concessions") which have "further widened the gap between upper and lower, propertied and property-less, economic groups. Such inequality is a good breeding ground for political discontent." Considerations of internal political equilibrium therefore "urgently demand reversal of the recent trend toward economic inequality."

The dilemma of the German labor unions is keenly analyzed by Professor Franz L. Neumann. On the one hand, it is clear that, unlike the British Labor party, the Social Democrats can hope for "office" only as part of a coalition—of which there is no present prospect. On the other hand, Professor Neumann points out that the so-called "left wing" of the Adenauer party has "not been able to do much, in view of the fact that the bureaucratic control exercised within the CDU by the Adenauer group is so tight that any opposition group has little chance of asserting itself."

In the face of this dismal political outlook, the labor unions have gone all out after "co-determination" rights in industrial management. But Professor Neumann, very rightly I think, doubts the wisdom of this course.

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> Is German society today [he asks] so stable that, without risking their independence and militancy, the trade unions could indeed enter into such a scheme which would actually transform ... them ... into administrative organizations of the state? This I doubt. I have grave doubts that, first, German society is stable, and second, that the political power centers in German society are committed to democracy.

This situation, as well as the Social Democratic party's assumption of "irredentist claims [hoping] to catch powerful nationalist sentiments, and [thus becoming] the most powerful nationalist party in Germany [makes it] difficult to expect a viable Socialist and trade union movement in Germany."

Mr. James P. Warburg, in a long and brilliant lecture, traces the "terrifyingly long way [we have gone down] on the wrong road". He warns that

> in our anxiety to create in western Germany a bulwark against communism we [have] neglected land reform, the reform of the school system, the protection of the German people against the revived power of the industrial monopolists, thereby helping to re-create those very features of German society which had, in the past, produced an aggressive authoritarian state.

And he asks that we

> not merely take a new look at the kind of Germany we have been helping to create; we need even more to reexamine the kind of world we have been helping to create. The negative policy of stopping Russia —without knowing what we should do if we had Russia stopped—is not a policy worthy of the United States of America. Nor is it a policy that could conceivably lead to enduring peace. We have been letting Moscow pipe the tune to which we have been dancing. Being relatively rich in dollars and poor in constructive ideas, we have been trying to fight ideas with dollars; and now, with the dollars beginning to run out, we have confided our last best hope of peace into the hands of scientists, instructed at all costs to keep us "ahead" of all other nations in the development of ever more horrible weapons of mass destruction. If we pursue this course much longer, we shall either provoke the war we seek to prevent or else end up by becoming more and more like our totalitarian enemy. We have already reached the point where to suggest, as I have suggested, that the cold war is not an end in itself is to invite the accusation of being an appeaser or a fellow-traveler (pp. 161-62).

The trouble—and not only with this volume—is that there is all too little of such thinking and writing being done today.

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Central and South East Europe, 1945-1948. Edited by R. R. BETTS. London and New York, Royal Institute of International Affairs, 1950.—viii, 227 pp. 18s.; $3.50.

The East European Revolution. By HUGH SETON-WATSON. London, Methuen & Co., Ltd., 1950; New York, Frederick A. Praeger, Inc., 1951.—xvi, 406 pp. 25s; $5.50.

These two books have the same scope and treat problems arising from the extension of Communist influences far beyond the pre-1939 western boundary of the Soviet Union. While Professor Seton-Watson made concession to the current practice of dividing the European continent into West and East, Professor Betts adheres to a title which is more accurate from the geographical point of view and makes it easier for the reader to distinguish between the Soviet Union and the satellite orbit.

The area covered in the two books stretches from the Baltic to the Adriatic and Aegean Seas, and from the eastern frontiers of Germany, Austria and Italy to the western boundary of the Soviet Union. There are some differences between the two books which we point out right at the outset. Whereas the survey edited by Betts has been deliberately limited to the years 1945 to 1948, no such restriction has been imposed upon Seton-Watson's analysis of the sovietization of the captive nations. Albania to which Seton-Watson gives a good deal of attention, recognizing her strategic importance, has been left out from Betts's book. When necessary, Seton-Watson widens the framework so as to include Greece and the developments in the Soviet zone of Germany. Both authors exclude Austria although some of the current problems cannot be properly grasped without reference to the precarious position of this mid-Danubian republic.

The survey of Central and South East Europe was designed as a reference book to meet the demand for information on the general trend of events and for statistical data. Several experts were invited to compile chapters on the captive nations. The study of Rumania by E. D. Tappe reveals an intimate acquaintance with the subject. The systematic occupation with current affairs enabled Elizabeth Wiskemann to penetrate deeply into the intricacies of Hungarian life under the hammer and sickle. R. R. Betts combined reading of press releases and government publications with direct observations during his visit to Central Europe in the spring of 1948. Brian Ireland, who surveyed the Polish scene, and Phyllis Auty, who wrote on Bulgaria and Yugoslavia, relied more often on official statistics and reports than on criti-

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cal appraisals of the actual achievements. The concluding chapter on the revolution in Central and South East Europe from the pen of the editor is to some extent based on the detailed accounts by his collaborators but it should not be regarded as a mere resumé of their findings. R. R. Betts coined in many cases his own formulas and adopted, in general, a more sympathetic attitude toward the present régimes than any of the contributors. He frequently uses the official terms for drastic interventions into the traditional pattern and tones down the charges against the usurpers of power which occur in writings of their determined opponents. The book does not end in a distinct note and lost some of its appeal before it was published. The rapid course of events since 1949 cast deep shadows on the supposedly bright passage.

Seton-Watson's *East European Revolution* is a sequel to his *Eastern Europe Between the Wars, 1918–1941,* now out of print. Part I of the new book serves as a link with the author's first work as well as a background for a detailed treatment of the fate of the captive nations. By lumping together such countries as Poland and Bulgaria, or Czechoslovakia and Albania, the author complicated his task considerably. Although they are today within the Soviet sphere of influence, their historical background, their social and economic structure as well as the spiritual traditions vary to a much higher degree than could be found anywhere in Western Europe. The reader has to be constantly aware of the network of barriers and lines by which the entire area, in its march through history, was divided into geographical subdivisions, ethnic, political, economic and cultural units, or else he would succumb to a dangerous simplification and assumption that the builders of popular democracies found an equally fertile ground when these countries successively passed from Nazi-Fascist captivity into Soviet bondage.

A high amount of skill was required to produce a work which gives a comprehensive and much-needed account of the Soviet expansion west and into the Balkans. The book under review is a solid and mature work. It has none of the flaws or weak points which in the author's survey of the inter-war period had been caused by excessive reliance on personal interviews or hasty observations on the spot. It is one of the most noteworthy and challenging interpretations of the events, still in flux, by which Europe has been deprived of the blessings of peace.

The book is a product of a conscientious search for information wherever it could be obtained. A critical eye soon discovers that there is far more originality in the passages concerning the Balkans than in

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sections dealing with the northern zone of the entire area. The author's story of the resistance movements in Yugoslavia, Greece and Albania reads like a first-hand report. On the other hand, the passage on Czechoslovakia begins rather abruptly with the Slovak rising in the late summer of 1944 without at least a sketch of the precarious existence of " independent " Slovakia from March 1939 to the revolt of the Slovak patriots against the puppet régime—the name of Professor Bela Tuka, the chief instrument of the Slovak subordination to the Third Reich, neither appears in this connection nor is mentioned in the chapter on the Axis " New Order " alongside the *poglavnik* of Croatia, Ante Pavelić. Similarly, the book has valuable data on the progress of sovietization in Rumania or Bulgaria whereas in depicting the gradual extinction of democracy in Poland and Czechoslovakia the author relied mostly on such books as Mikolajczyk's *Rape of Poland*, or Ripka's *Le Coup de Prague*, today available also in an English edition. Whoever works in the same field knows from daily experience how difficult it is to secure sets of press releases or newspapers, to say nothing concerning occasional publications or pamphlets which like " the grass of the field are today and are cast into the oven " when their authors fall out of grace. Only a keen student of conditions in the Soviet orbit, equipped with knowledge of several languages and profiting from his wartime experiences, could have welded into a compact narrative so many pieces of evidence which, as they come from sharply opposite fronts, very seldom harmonize or supplement each other organically.

Seton-Watson's *East European Revolution* is informative and thought-provoking. As it is hoped that there will soon be a demand for a second edition, the reviewer pleads for at least one correction: General Alois Eliáš who headed the Prague cabinet from 1939 to 1941 is listed in the index as a Czech quisling premier. It would be an act of justice to remove the stigma from a brave man who organized underground activities under the nose of the Gestapo and was shot by the Nazis when unmasked.

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Am Beispiel Oesterreichs. By Joseph Buttinger. Als Manuskript gedruckt, 1951.—620 pp.

Since 1945 Germany has been flooded with autobiographies of leaders of the German Social Democratic party (SPD). Noske, Severing, Keil, Loebe, have written their memoirs and added to the previous stories by Braun, Stampfer, Geier, Grzesinsky. Yet their

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value to the historian and political scientist is insignificant. None of them contributes anything positively to the great European problem: Why did social democracy fail in continental Europe? Negatively, of course, these books do considerably enhance our knowledge. Without exception, these leaders betray an extraordinary amount of smugness. They do not engage in self-criticism; they usually attribute their failure to two factors, which they consider extraneous; namely, Versailles and Moscow. Without the Versailles Treaty and without a Communist party, so they maintain, a powerful Social Democratic party would have arisen and German democracy would have been safe. There is no awareness in these books that the rôle of a political party is precisely to cope with the so-called "objective" or extraneous factors, to assert themselves against them.

For years, the Austrian Social Democratic has been held up to the German party as a model. The St. Germain Treaty mutilated Austria far more than did Versailles Germany; and the Comintern did operate in Austria as well as in Germany. Nevertheless, communism in Austria was insignificant from 1918 to 1934, the ASP vied with the Christian Social party for first place, Vienna was a Red City, the trade unions were controlled by the ASP and the ASP was allegedly dominated by a pure Marxist ideology (Austro-Marxism) while Germany's SPD had long abandoned Marxism for Revisionism. The Linz program of the ASP was hailed as the single greatest socialist document after the Erfurt program.

Yet the ASP collapsed in February 1934 when Dollfuss, urged on by Mussolini, decided to destroy Austrian democracy and to establish his own brand of Austro-fascism. The beautiful Austro-Marxist ideology, the impressive party, the powerful trade unions, the coöperatives, and the numerous subsidiary and affiliated organizations vanished. True, the *Schutzbund* (the Socialist militia) fought but only parts of it did and at that without any leadership and unsupported by a general strike. Thus the fate of the ASP was objectively not very different from that of the German party, except that the February fighting supplied it with a certain myth.

It is at this point that Mr. Buttinger's work starts. The author, now living in this country, was the leader of the Austrian Revolutionary Socialists, the underground party of Austrian socialism from 1934 to 1938, and, after Otto Bauer's death, the most prominent member of the Austrian Party in Exile.

This book is both a history of the Austrian Revolutionary Socialists and an analysis of the failure of democratic socialism in continental Europe. It is, in this reviewer's conviction, the most important

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critique of continental socialism published in the last decade. Since the author candidly discusses many living Austrian Socialists, he deemed it necessary to publish the book as a Manuscript and thus made wide circulation impossible.

The difference between the author's approach and that of the biographies mentioned above is quite amazing. Here is a man who has but one aim: to serve the truth, to say everything, regardless of whether it is damaging to his party or not; he does not shift responsibility for the collapse of the ASP to "outside factors", but to the failure of the Austrian Socialist movement. The title (in translation meaning: At the Example of Austria) indicates already that the author has in mind more than a mere history and analysis of Austria's Socialist movement; he rather believes that Austria exemplifies a trend common to all continental European Socialist parties.

Briefly stated it is this: that the Austrian movement lost its spontaneity, its militancy and its beliefs when it became transformed into an organization with vested interests in the existing state and society. This is, of course, not new. Robert Michels said much the same thing. But there are important new insides and one vital qualification.

There is, first, an important contribution to the question why Austrian labor in its majority accepted Marxism. The author, quite correctly, stresses the overwhelming ethical appeal of Marxism, the conviction, namely that the capitalist system stunts and maims the personality of the worker, degrades him to slavery and that Marxist socialism is thus believed to be the emancipating theory of the modern proletariat. To stress this point today is quite vital for an understanding of European society.

There is, second, the demonstration that it is possible to build up a socialist movement that is not an organization of vested interests. The Austrian Revolutionary Socialists were capable of being and remaining a movement, militant, spontaneous and democratic without becoming bureaucratic and oligarchic. This, perhaps, was possible only in a state of illegality (as it existed between 1934 and 1938) but probably not necessarily so. There is not, as Michels asserts, *an iron law* of oligarchy in democratic mass movements. The experiment of the Austrian Revolutionary Socialists must compel us to rethink the Michels thesis.

There is, third, a clear-cut demonstration that it is possible to defeat communism by a militant democratic socialist movement. February 1934 gave to the Austrian Communist party a magnificent opportunity. They used it fully. The bulk of the *Schutzbund* members

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went over to the Communist party and the young Socialists deserted socialism for communism. Yet the Austrian Revolutionary Socialists succeeded in eliminating Communist influence. They thus conducted a two-front war: against the Austro-fascism of Dollfuss-Schuschnigg and against communism; and, even a three-front war: against National Socialism too. Yet, in spite of this, they gained in strength because of their uncompromising ideology and strategy. This, in view of the present European situation, is again of vital significance.

Yet, looking at the present Austrian Socialist party we shall look in vain for the spirit of 1934-38. There is, probably, no more distressing sight than Austrian politics 1945-51, and the Austrian Socialist party today. The author does not deal with this problem, nor can the reviewer undertake here an analysis as to why this happened.

The author drew the consequences of withdrawing from political participation. A political activist may regret this decision and may wish that he returns to Austria and participates in the life of the Austrian Socialist party. In the present situation he may, however, be right. There are historical situations where an individual, no matter how honest, intelligent and courageous, is quite powerless to affect the course of history.

FRANZ L. NEUMANN

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Cross-Channel Attack. By GORDON A. HARRISON. *The U. S. Army in World War II. The European Theater of Operations.* Washington, Office of the Chief of Military History, Department of the Army, 1951.—xvii, 519 pp. plus 24 tactical maps in color and National Geographic Society map of Europe. $5.25.

Official history, perhaps all history, faces a troublesome dilemma in deciding its potential audience. The latest volume in the official history of the Army—the seventh to be published and the second concerned with the European Theater of Operations—seems especially addressed to the general reader, that mythical character who exists only in the faith of all authors and publishers. A former newspaper reporter and a trained historian who served as a combat historian during the war and more recently has been in the office of the Chief of Military History of the Army, Dr. Harrison has written a book useful for any student of American political or military history.

Of the ten chapters in the book, seven relate to the long chain of events from early conception to preparation which preceded the invasion of Normandy on the fateful morning of June 6, 1944. The remaining three chapters recount the broad development of the tacti-

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cal operations which firmly lodged Allied troops on French soil. The narrative ends with the capture of Cherbourg by the first of July. The tactical detail is only sufficient to throw light upon the adequacy and realism of the long military planning before D-Day.

Perhaps the chief interest and value of this volume is the careful, objective appraisal of British-American differences in strategic planning. Everyone knows that there were differences between the British and Americans about the strategy of a cross-channel invasion. A certain United States Senator has even argued on the floor of the Senate that General Marshall's interest in defeating Germany in Northern Europe was part of a gigantic pro-Russian conspiracy. Dr. Harrison discusses the differences, clearly, fully and sympathetically. Indeed, his is by all counts the best and fairest record thus far written and should stand as the definitive account. The use of British source materials and the assistance of British technicians undoubtedly have helped greatly to achieve the balance here presented. Anyone interested in this phase of Anglo-American military history cannot afford to overlook Harrison's story.

An interesting aspect of the narrative is the inclusion of two chapters dealing with German preparations to resist invasion. The availability of extensive official German government files and the numerous interrogations of German officials after 1945 make it possible now to reconstruct German strategy with great accuracy. And German mistakes contributed to Allied success in the invasion of France.

This volume of official history, like most others, eschews any concern with conflicts of personality. It seems to this reviewer that many historians today have gone so far in discounting the "great-man theory" of history as to belittle the true importance of personality factors. But there are enough personal memoirs by this time to more than readjust this imbalance. And certain major personality aspects do clearly emerge from this volume. Once again it is abundantly evident that General Marshall was the author of the military strategy which gave the Western Allies their particular, if not preponderant, share in defeating Germany. Roosevelt had a great and abiding confidence in his Chief of Staff and was content to help him realize his military objectives. Churchill's rôle in military planning was much more aggressive by contrast.

There has been so much nonsense written and said about American military strategy in World War II that this volume comes as a welcome reminder of what the cool, dispassionate historian can contribute to the full understanding of past events.

COLUMBIA UNIVERSITY JOHN D. MILLETT

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The China Story. By FREDA UTLEY. Chicago, Henry Regnery Company, 1951.—xiii, 274 pp. $3.50.

This book provides proof positive that the day of the partisan, political pamphleteer, able and willing to distort documents and misrepresent facts—all with a fiery and convincing tone of righteousness—has not faded from the American scene. The fact that the book has had a wide sale is disturbing evidence that the American people, genuinely concerned about the failure of our Far Eastern policy, are apparently willing to listen seriously to an author who is one of the leading modern advocates of the "Devil Theory of History". Serious students of political science, whether in the field of domestic or international politics, should be deeply concerned with this phenomenon.

Miss Utley's thesis is simple and familiar to all who have been reading the daily papers during the last year. The China policy of the United States, in the hands of Secretaries of State George C. Marshall and Dean Acheson, has resulted in success for the Chinese Communists (which is true only in the sense that the Chinese Communists now control China). It has failed because it was based upon advice given these gentlemen and the American public by some fifty-four named individuals who were either "communists", "communist sympathizers", "intellectual liberals", "erudite but ignorant columnists" or those on the outer fringe of a group whom Miss Utley (p. 150) refers to as the "Society of Friends of the Chinese Communists" (which is in almost every sense unlikely). Ranged against these daemons who inhabit Miss Utley's world are those true Americans who, pure in heart and supporters of outright aid to Chiang Kai-shek, have unmasked the true nature of the Communist conspiracy to take over the Department of State. These latter, spearheaded by Senator McCarthy who (p. 268, footnote 2) has "fundamentally liberal convictions" include (p. 164) Representatives Dondero, Taber and Judd, and Senators Knowland, Nixon, Bridges and Mundt.

Because the book has few footnotes, it is very difficult to check the source and therefore the accuracy of Miss Utley's statements. For example, she mentions the contents (pp. 98-99) of several reports on the actions of Chinese Communist troops prepared by the Chinese Nationalist government and submitted to the Department of State and the Pentagon by the Chinese Embassy in Washington during the spring and summer of 1950. Her authority for this statement appears to be Drew Pearson—who this reviewer believes has never claimed for himself more than 88 per cent accuracy—but the vague-

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ness of the reference makes it entirely possible to conclude that Miss Utley may have received this information directly from Chinese Nationalist sources, who certainly cannot be averse to the analysis of American China policy which she presents. Far more serious than this sort of slipshod statement, however, is what Miss Utley has done to twist, distort and misrepresent published documentary material.

Opinions may vary as to whether the China White Paper [1] is in fact an objective analysis of United States' policy toward China. It is Miss Utley's thesis that it is not. Her first two chapters—"Milestones on the Road to Korea" and "Too Little Too Late, the Facts about 'Aid to China'"—are devoted to an analysis of the 600 pages of Annexes to the White Paper. These Annexes are composed exclusively of texts of official documents upon which the exposition of American policy contained in the first portion of the book are based. Miss Utley quotes liberally from the Annexes to prove her contention and it is, therefore, possible to check her quotations against the original documents. The following samples are merely illustrative of some fourteen instances found by this reviewer between pages 13 and 60 in which Miss Utley lifted quotations from the White Paper out of context with a resulting distortion or misrepresentation of the material quoted:

1. *The statement*: Miss Utley, alleging that the Department of State consciously and purposely sabotaged the China Aid Act of 1948 by dilatory tactics in implementing delivery of matériel, states (p. 34): "The $125 million of munitions allocated under the April 1948 Aid Act was not delivered until nine months or a year later, and by that time the Communists had already conquered most of China"; and (p. 46) "...the first substantial shipment of arms to China left Seattle on November 9, 1948."

   The fact: While it is perfectly true that the White Paper (p. 953) shows that the first shipment of small arms and ammunition *procured from the Army* sailed on November 9, 1948, the same table, on the next page (p. 954) shows that 10,000 tons of ammunition *procured from the Office of the Foreign Liquidation Commissioner* were shipped on July 3 and 16, 1948. The table immediately preceding the one partially used by Miss Utley shows, furthermore, that in August, September and October a total of nearly $10 million (sales, not procurement price) of aviation gasoline, aircraft, communications equipment, ammunition, ordnance and naval supplies was shipped. While Miss Utley is entitled to her opinion that these prior shipments were not "substantial", those familiar with government procedures may well consider these deliveries accomplished rather

[1] *United States Relations with China with Special Reference to the Period 1944-1949*, Department of State Publication 3573, Far Eastern Series 30, August 1949, 1054 pp.

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rapidly; and few would deny that Miss Utley's system of selective quotation does not tell the full story.

2. *The statement*: Miss Utley, referring to a report in 1949 by the commander of the United States Advisory Group in Nanking, states (p. 43): "In his report General Barr provides an answer to the charge so assiduously propagated that the Nationalist forces allowed their equipment to be captured by the Communists."

   The fact: No mention is made of a report of the military attaché in Nanking, presented at the same time, and cited in the White Paper (p. 323) that "during this 4½ month period Government forces lost over 140,000 American rifles. Losses of other than American rifles are estimated to have been several times this figure—practically all of which fell undamaged to the Communists."

3. *The statement*: Miss Utley (pp. 40-41) states: "Perhaps the Administration's refusal to give Chiang Kai-shek the military advice he begged for was even more helpful to the Communists than the embargo on arms and ammunition."

   The fact: An ECA mission in July 1948 (White Paper, p. 319) reported: "We were surprised at the wide gulf between the combined opinion of our own competent military in China supported by the Ambassador and the present and related policy of the Chinese Government in Nanking. This was despite repeated and continued efforts on the part of the Ambassador with the support of the American military advisers to persuade the Government to a change in its military strategy and tactics." Nor does Miss Utley mention a report by Ambassador Stuart in August 1948 (White Paper, p. 885) that the Nationalist government "ignores competent military advice and fails to take advantage of military opportunities offered. This is due in large part to the fact that the government and military leadership continue to deteriorate as the Generalissimo selects men on the basis of personal reliability rather than of military competence."

4. Miss Utley states (p. 13): "On August 18, 1946, President Truman issued an executive order saying that China was not to be allowed to acquire any 'surplus' American weapons 'which could be used in fighting a civil war', meaning a war with the Communists."

   The fact: Extensive research by this reviewer has located no such executive order.

Despite this dubious methodology in regard to details—and Miss Utley leaves the impression that she wants to prove that the entire White Paper is a tissue of falsifications—these two chapters do succeed in presenting fairly convincing evidence that the "effective military aid" given China by the United States is closer to $400 million than the $2 billion generally accepted since the publication of the White Paper. Since Miss Utley defines "effective military aid" almost exclusively as small arms and small arms ammunition, this is very little wheat among so much chaff.

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The second part of *The China Story* is devoted to an explanation of why American policy took the form that it did under Secretary Marshall and his successor, Secretary Acheson. Miss Utley comments (p. 103) that "Any policy must be decided upon and implemented by individuals". She then proceeds to explain how the Communists in the United States captured "the Diplomats . . . and the Secretary of State . . . and the Public" in three chapters in which she becomes very specific indeed. Of the 54 individuals she names, 20 are or have been in the government service, 11 are or have been newspaper or periodical writers, 7 are or have been book reviewers and 16 are or have been associated with either the Institute of Pacific Relations or the Foreign Policy Association or both. These are the people who, according to Miss Utley, either "decided", "implemented" or "sold" the policy adopted by the United States government in regard to China. They are not all Communists, according to Miss Utley—whose publishers may well have been troubled by the fear of libel actions—but they were at least dupes of Communists.

Apart from personal, subjective judgment—offered in the cases where the author was or had been personally acquainted with one of the dupes—Miss Utley offers as proof of her accusations the type of quotation from the White Paper analyzed above, the technique of "guilt by association", and a refinement of her own, best described as "guilt by innuendo". Thus we find a sentence reading, for example, that two named individuals "may be wholly free from any Communist sympathies, but . . ." or, more subtle still, a footnote stating simply that a particular individual "is a law partner" of an individual never otherwise mentioned in the book whom, by inference, Miss Utley obviously considers suspect.

It is not the function of this reviewer to give undue prominence to any of those accused by Miss Utley—some of whom may or may not be guilty as charged—by singling out one or more individuals among her list to make a specific analysis of her charges and their validity. Two are dead; the rest can defend themselves. It does appear to be important, however, to point out that Miss Utley, who herself admits that in 1938 she was "taken in" by the Chinese Communists, is apparently unwilling to grant to anyone else the possibility of an honest mistake in judgment.

Obsessed by this belief in daemonology, Miss Utley completely fails to place the problem of American China policy from 1946-1949 into a context which includes the whole of United States foreign relations. Just as she apparently sees no relationship between skyrocketting inflation in China and American reluctance to underwrite unlimited mili-

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tary assistance to that country, so she is unwilling to consider even momentarily the fact that, in 1946-1949, Europe and European needs were considered of primary importance to the preservation of American security. For precisely the same reasons that the Allies decided to defeat Hitler before they took on Japan in World War II, the United States, which does not have unlimited resources, decided to concentrate upon the vast and expensive task of preserving Western Europe for the free world; there was therefore proportionately less to be applied for the preservation of China. Asked to build bricks without straw, the Department of State in this period was faced with several choices as to policy. It made its choice and, since China has fallen to the Communists, it clearly made one which did not succeed. A good case can be made that events in China were beyond the control of the United States. In any event, it is at least possible that the choice was honestly made. Miss Utley believes it was dishonestly made, maneuvered by infiltrating Communists. She has not convinced this reviewer.

RAYMOND DENNETT

BOSTON, MASS.

China's Red Masters: Political Biographies of the Chinese Communist Leaders. By ROBERT S. ELEGANT. New York, Twayne Publishers, 1951.—264 pp. $3.50.

Through the varied backgrounds and life processes of a score or more of leading Chinese Communists, Mr. Robert S. Elegant points the way to a more intimate understanding of revolutionary China. The treatment of personalities is perhaps influenced by the availability of materials in this country and by the attempt to avoid mere repetition of familiar works in English. It succeeds in giving a cross-sectional, well-integrated representation of men and women, intellectuals and practitioners, bandits and professional soldiers, diplomats and the Iron Bolshevik, and, above all, the communist charismatic ideal type of statesman, soldier and philosopher all in one.

The author takes pains to portray an unbiased picture, despite his inevitable reliance on many Communist information materials and his non-Communist orientation. The interpretations are carefully balanced and oversimplification avoided. Commenting on Democratic Centralism, it is observed that " the word ' democratic ' is justified by provision for popular elections, but at this writing no body chosen by popular election rules in China " (p. 132). On the other hand, " the

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party has displayed a remarkable sensitivity to the wishes of the Chinese masses" (p. 175); and the promise to land-hungry peasants and the appeal to all nonexploiting classes including petty bourgeoisie, as well as national capitalists, are sources of Communist strength (p. 245 and *passim*). On the influence of Moscow, one can trace the impact of the October Revolution, the Comintern, and Marxism-Leninism-Stalinism in shaping the theories and strategies of the eager Chinese disciples, yet the triumph of Mao and Maoism is a product of the native soil. "There is small prospect of any immediate split between the colossi of the Red world. . . . However, a display of bourgeois imperialist tendencies by the U.S.S.R. could very easily upset the ideological balance of the pragmatic Chinese communists" (p. 178). The generally pragmatic Chinese mind does not preclude, however, the desire for mystical inspiration and the semireligious fanaticism and intolerance of communism on the other side of the picture.

In certain instances the reader wishes that the hints were fully developed, perhaps in another book. Why is it necessary that "Communism in China will, in the long run, either adjust its doctrines to the limited communism of the Chinese family system or perish" (p. 250) even though the new gospel promises complete transformation of the traditional value system? How far is it true that the farmer's attitudes "will determine the future of the Red dynasty, as they have the fate of all preceding dynasties" (p. 250), when the chances of survival of nonconformity seem to be extremely slim? What evidence do we have beyond Freudian suggestions for such sweeping characterizations as the "Asiatic Neurosis" with "communal guilt feeling" (p. 21)?

To achieve an even better balance, more room might be allotted to the rôle of Communist labor organizations and agitations in the cities, including the work of Mao, the peasant, particularly in the formative stages of the party: this is desirable to guard against an undue emphasis on the agrarian sector. The ostensibly extreme minority of the city proletariat and the lack of unity of purpose among them should not bar their strategic importance as revolutionary materials. After all, the Communists are always a small minority, less than, say, 1 or 2 per cent of the total population, as Mao himself recognizes. Further, the struggles of labor agitators against domestic and foreign armed forces in numerous bloody incidents must have played an important part in hardening the personalities of many Communist leaders and in strengthening their bitter anti-imperialistic feeling and their conviction for the absolute necessity of armed might and armed revolt.

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No one should expect definitiveness and complete objectivity in any book on such controversial contemporary personalities. Every reader, I am sure, will find this present volume enjoyable reading, fascinating, informative, and thought-provoking.

N. T. WANG
COLUMBIA UNIVERSITY

Tito's Communism. By JOSEF KORBEL. Denver, The University of Denver Press, 1951.—viii, 368 pp. $4.00.

This reviewer recalls his surprise and dismay in the summer of 1945 on being told by a Balkan Communist that the Russians were far less pleased with the state of affairs in Czechoslovakia than with the newly established régimes elsewhere in Eastern Europe. At that time Czechoslovakia seemed to promise a possible way of understanding between East and West; in the other states the "cold war" was already brewing. Why, then, should the Soviet rulers be dissatisfied with Prague?

Much material for the unpleasant answer to this question is to be found in the new book on Yugoslavia by the Czech ambassador to Belgrade from 1945 to 1948, now a professor of international relations at the University of Denver. From his account of the diplomatic and economic relations between the two states it is evident that Communist mistrust of the spirit of Beneš and Masaryk was profound and ineradicable. As one Yugoslav general remarked to the author: "I can have confidence only in a Communist, which you are not." Ultimately, of course, Czechoslovakia was blackjacked into reliability, but by an ironic twist, which Dr. Korbel handles very capably, the Yugoslav Communist leaders were themselves declared heretics only a few months later.

Apart from this important issue—which could have been given even more emphasis—and a number of illuminating episodes from his personal experience, Dr. Korbel's effort to "describe the life of the Yugoslav people under Communism" covers ground that is largely familiar. For the most part, the book describes the situation prior to Tito's break with Moscow, and, despite the author's best efforts to follow developments into 1950, the content and point of view of several chapters have become somewhat dated. While he observes certain changes in policy and practice resulting from Tito's growing conflict with the Cominform, the general tone of the book is of the time when Yugoslavia was still in the forefront of the anti-Western campaign.

Still, this is the handicap of any writer of contemporary history.

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What gives Dr. Korbel's book permanent value is the author's balance and his acute sense of the complexities of Yugoslav problems. He is extremely critical of the present régime, though not denying it certain virtues, and rejects the superficial view that Yugoslavia's altered position in world politics has brought it into the democratic fold: "Tito does stand for Communism and he continues to practice it in Yugoslavia." At the same time he is aware of the difficulties of creating workable alternatives, though he hopes that the Western Powers may induce Tito to ease the plight of his people. He feels that "organized opposition to a Communist government within the borders of the country is actually impossible." He notes that "there is no unity among the Yugoslav leaders living in exile", that the old Serb-Croat conflict still lurks in the background. Finally, he quotes an illuminating remark of a Yugoslav patriot considering the possible implications of Tito's fall: "Who will come instead? It is difficult for us, as good democrats, to imagine a government in Yugoslavia against which we would not be in opposition." This is sad wisdom, but necessary.

HENRY L. ROBERTS

COLUMBIA UNIVERSITY

Ten Great Economists: From Marx to Keynes. By JOSEPH A. SCHUMPETER. New York, Oxford University Press, 1951.—xiv, 305 pp. $4.75.

Joseph A. Schumpeter wrote with superlative sophistication. It was the sophistication of one too well aware of his own profound learning and dialectical skill to go to the length of displaying them in detail. His arguments were elliptical and his illustrations barely allusive. So a sort of authority would be established over most readers all too conscious of their difficulties in filling in these gaps. But finally, they would, I think, revolt against the seeming arrogance which put so many premises and proofs beyond dispute.

Still, his sophistication did find its perfect form in the scholarly memoir. Nine of the ten pieces which form the body of this book are masterpieces of this genre, reprinted from scholarly journals.—The tenth is a study of Karl Marx's thought taken from *Capitalism, Socialism, and Democracy*.—Here the task was to plunge directly to the heart of each economist and his work, and to pass judgment upon what was found there. What mattered was the judgment, and Schumpeter's style was an effective tool for imposing judgments.

Schumpeter tried to prevent his vision of economics from being as narrow as that of his fellow members of the Austrian and Lausanne

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schools. Analysis, he realized, always had to be placed ultimately in a sociological framework and verified factually, statistically if possible. But his greatest admiration was for the bold analysts, for those who could find new principles to unify diverse fields of theory and could demonstrate them rigorously. He had homage for Menger and Pareto, adulation for Walras and Böhm-Bawerk, the system-builders.

There was in Schumpeter's writings an almost shrill insistence upon the achievements of economics as a science, a science as universally valid as systematic physics. This insistence brought him back to some of the narrowness of his masters. He could not quite understand Mitchell's detachment from theoretical systems, his refusal to accept the economics of equilibrium until the proofs were in. For Schumpeter, enough proofs were in already, and Mitchell's scruples were laid to an impossible positivism rather than to scientific rigor.

Marshall and Keynes were guilty of other sins. They compromised the science by caring for it too much as a tool of morality and polity. Marshall relegated his fine demonstrations to the appendices and turned out a readable text for conscience-ridden Victorian liberals. Keynes's *General Theory* was hardly general enough. It was really concerned with the situations and problems of a particular time and place, Britain in depression. Schumpeter thought it rather disreputable that it should have appealed to others similarly concerned. Keynes's success seemed to him almost a fact of social pathology.

This book is not Schumpeter's last word on the history of his profession. His *History of Economics Analysis* is forthcoming. But even if we did not know of his own career, *Ten Great Economists* would still be a moving statement of the possibilities of the study of economics as a way of life.

MARTIN ALBAUM

NEW YORK CITY

The Genesis of Georges Sorel. By JAMES H. MEISEL. Ann Arbor, George Wahr Publishing Company, 1951.—320 pp. $5.00.

As a work of scholarship at once sound, sage and stimulating, *The Genesis of Georges Sorel* is one of the best books on Sorel ever to have been published anywhere.

It is addressed to those whose knowledge of the *Reflections on Violence* may be taken for granted; for the *Reflections* plays a crucial but implicit rôle in this study of the development of Sorel's thought and of its influence. Sorel's most famous work is treated explicitly only in a brief, and very interesting, comparison between Sorel's vindication of violence upon moral grounds and the justification, to

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be found in the *Elektra* of Richard Strauss, of matricide as the "last means of achieving a new, 'better' kind of reason". The author proceeds to show (with an assist from Toynbee) that this denominator was common at the time to more than Strauss and Sorel.

> Sorel's *Reflections* were paralleled by similar convulsions in contemporary literature, poetry and painting.... An entire civilization stirred uneasily, not quite ready but preparing to come to blows with itself. Fast approaching the point where debate ceased to be meaningful, the Western world began to shed its former values—not because people wanted to live without values, for that is impossible, but because the new social facts defied traditional interpretation.... Destruction of the tumbled-down scaffold would not be the vandalism of "external proletariats", but an act of conservation; not an invasion, but a break-out from the catacombs (pp. 133-34).

This passage might serve, incidentally, as one of the more important but less obvious illustrations of Meisel's suggestion that "future generations may well decide that Sorel's significant contribution was his ability to reflect the powerful forces of his time rather than shape them" (p. 14).

The larger, underlying theme which gives *The Genesis of Georges Sorel* a genuine unity is the development of Sorelian political thought: from 1889 when the master published his first book, a defense of the Bible as a means of initiating the people into the heroic life and of arresting the propagation of the revolutionary idea, on through "the anonymous years" which preceded the publication of the *Reflections* and the years of unrewarding fame and notoriety which followed, and on through the posthumous period which has belonged to "the disciples and dissenters" who have reinterpreted in their various ways the master's ambiguous message, up to the present when Meisel, as the historian of Sorelianism, all too modestly indicates his own estimate as to "the heritage". The exposition of this theme is, however, broken into two main parts—"the work" and "the influence"—which correspond respectively to the author's intentions "to put the *Reflections on Violence* back into the context of Sorel's vast oeuvre, by indicating his slow evolution toward that climactic product of his versatile yet persistent mind" and to discuss "Sorel's dubious affiliations . . . with such movements as French Royalism, Italian Fascism and Russian Communism" (p. 5). Either part may be used independently of the other, for each provides a general introduction to its subject.

Professor Meisel's treatment is distinguished by an almost impeccable scholarship, sweetened by the apt allusions of an alert and literate mind and by a lucid and occasionally witty style. He points up Sorel's concern with the moral history of Greece and Rome and his

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continuing interest in Christianity and the Church. He quite correctly emphasizes the impact upon Sorel's thought of Taine, Vico and Renan and minimizes that of Bergson and, more especially, of Nietzsche. He argues that Marx impressed Sorel more than did Proudhon—and suffered more severely at Sorel's hands. In Sorel's thought is to be found not only " the mystique of the class-struggle " which he retained, from his decomposition of Marxism, as the living part of Marx's thought; but also the non-Marxian concern of a moral conservative for the perennial values of the Graeco-Roman-Christian past (pp. 100-1, 247-48). In his discussion of Sorel's " influence ", the author confines himself in the main to Sorel's reactions to such contemporary movements as embryonic Fascism and the Bolshevik revolution and to his impact upon selected " disciples and dissenters ". He does not hide the sympathy and even enthusiasm for these movements which Sorel on occasion expressed, despite the possible contradiction between those responses and the anti-state, " libertarian ", tendencies of Sorel's thought which Meisel himself prefers (pp. 22-23, 273-81).

The reviewer found very little in *The Genesis of George Sorel* with which he could disagree; but he would challenge its interpretation on two counts. Sorel was indeed a defender of injured reason, both in challenging the barren abstractions of the intellectuals and in recognizing in these abstractions instruments of the intellectuals' subjection of the masses. But (and here I part with Professor Meisel) in his advocacy of self-regardless devotion to a mystique, Sorel went beyond such a defense and became " the apostle of intuitive . . . drives ", however much he refined them (pp. 111, 169). Second, and more important, I differ in believing that the contradictory tendencies of Sorel's thought do " meet at the same station " (pp. 247-48). Facing a Europe which was in his eyes immoral, illiberal and intellectually sterile, Sorel developed a doctrine of social dynamics as a way of salvation. This doctrine—myth-inspired violence—was morally conservative, libertarian and ultimately rationalist with respect to its ends; and it was revolutionary, increasingly authoritarian, and irrationalist with respect to its means.

As it stands, *The Genesis of Georges Sorel* is a definitive study, thoughtful and balanced, rich and suggestive, and one that surely would have won the approval of that most grudging of critics, " the Don Quixote of twentieth century political philosophy " (p. 202).

Scott H. Lytle

University of Washington, Seattle

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BOOK NOTES

In *Impact of War on Federal Personnel Administration, 1939-1945* (Lexington, University of Kentucky Press, 1951; xi, 372 pp. $6.00) Professor Gladys M. Kammerer has reviewed in broad terms the principal wartime developments in personnel administration in the federal government. At the very outset the author declares that the important changes in administrative practice were ten in number: (1) centralization of recruitment responsibility in the Civil Service Commission, (2) adoption of aggressive recruitment techniques, (3) deterioration in qualification standards, (4) emergence of the "loyalty" standard for appointment and retention, (5) development of training programs, (6) increased mobility within the government service, (7) efforts to increase compensation levels, (8) limitations upon numbers of employees, (9) improvements in employee-relations activities, and (10) internal reorganization of the Civil Service Commission. Thereupon Professor Kammerer proceeds chapter by chapter to present the major events under each of these points. Besides drawing upon the records of the Civil Service Commission itself, she has obtained information from the War Department, the Navy Department, the Department of Agriculture, and the Office of Price Administration. In the end the author decides that there were five notable wartime achievements. The merit system survived the war experience and was even strengthened; the recruiting program was generally successful; the improved training programs were a real step forward; new importance was given to employee-relations activities; and personnel administration itself attained a new stature in federal government management. On the other hand Professor Kammerer lists four "unsolved problems of the war years". Efforts to transfer employees from less essential to more essential activities and to use promotion as an incentive were not very effective. Compensation in the higher levels of responsibility remained relatively low. The endeavor to place "ceilings" upon the volume of federal employment and to improve utilization of employees was not impressive. The use of loyalty standards for employment was never placed on any satisfactory basis. This volume is essentially a history of wartime personnel administration in the federal government. The author has been concerned to review major events within fairly limited terms of reference. It is a well-organized account, for the most part simply and clearly told. Any student of government will find it an invaluable record of what hap-

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pened in personnel administration in our scheme of government. The broad issues still remain to be clearly enumerated and imaginatively explored.—JOHN D. MILLETT, Columbia University.

A book on the relations between the military and the civilian in a democracy in time of war—*Generals & Politicians: Conflict Between France's High Command, Parliament and Government, 1914-1918* (Berkeley and Los Angeles, University of California Press, 1951; vii, 294 pp. $3.50) by Jere Clemens King—has an unavoidable and inviting immediacy about it. The action takes place in France during the hectic, turbid years of the war of 1914-1918. The initial protagonist is a blindly arrogant high command, and the antagonist, a myopic government, and behind them a muddled parliament. Through the vicissitudes of war, generals and politicians changed rôles; the arrogance, the myopia and the muddle remained almost to the end. The subject is treated chronologically. After a brief introductory chapter setting the conflict between the military and the civilian in its sorry historical perspective, the book takes up such topics as the "military dictatorship" of Joffre, the problem created by politicians wishing, in immemorial fashion, to inspect the front, the Sarrail Affair, the crisis over the defense of Verdun, the "Fabian Policy of Pétain and Painlevé"—the problems which harried and defeated government after government and general after general until that vacuum of authority was created into which the *dei ex machina,* Foch and Clemenceau, were drawn. The last two chapters describe how Foch and Clemenceau, albeit frequently in bitter personal opposition, gave France a new impetus toward victory. The book ends abruptly with the armistice. No effort is made to balance the introductory chapter with a concluding one on the effect of the four-year wrangle between the military and the civilian on their future relations. The work is carefully collated, if not well considered. It is a synthesis of well-chosen snippets from virtually all the diaries, memoirs, biographies and secondary accounts of the period. Use has been made of a few newspapers and, of course, of the *Annales.* Quotes are unobtrusively footnoted at the end of the volume, and there is a useful bibliography. In short it is buttressed with serious study and accurate scholarship. Still the work is pedestrian, to say the most. It is marred by flyspecks of extraneous detail, names of lesser politicians and quickly forgotten dates. The approach is political in the narrowest sense of the word. All the concomitants of war politics—the sacred and divergent ideologies of various political parties as to how wars should be fought, the pinch of controls on a traditionally free economy, the problems in-

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volved in the conversion of civilian goods to military supplies—are unfortunately missing here. It would seem that more thought could have been given to the inherent difficulties and contradictions which democratic society faces in time of war, for this, after all, is the major problem of our times.—EDWARD L. KATZENBACH, JR., Washington, D. C.

Adam B. Ulam's *Philosophical Foundations of English Socialism* (Cambridge, Harvard University Press, 1951; 173 pp. $3.75) is a useful addition to the growing secondary literature on the history of modern English thought. Professor Ulam views socialism as "a definite stage in the development of political democracy, a stage prepared and analyzed by the idealism of philosophers and economists of whom many were nonsocialist or antisocialist in their beliefs." Accordingly, he begins with a discussion of the doctrines of Thomas Hill Green, Francis Herbert Bradley and Bernard Bosanquet. Then he proceeds to an analysis of Fabianism and guild socialism. And he concludes with chapters on the state and neo-idealism and on the recent theory of British reform. Professor Ulam is convinced that "British political institutions and the thought applied to them constitute one of the most important battlegrounds for the future of democratic government," and it is one of the leading virtues of his book that he succeeds in conveying to his reader not only his awareness of the importance of his subject but his enthusiasm for it as well. In one respect, however, his volume is disappointing: Professor Ulam works on the assumption that "the facts of a philosopher's life are of a secondary importance insofar as the appraisal of his work is concerned," and as a result of this assumption the individual thinkers whose ideas he discusses are often insufficiently rooted in time and space. Despite this failing, there is no question about the accuracy of the publisher's note on the jacket: Professor Ulam's book does have "real interest" for the general reader and the student of British history, government and political thought—interest that the recent election in Britain should not diminish.—HERMAN AUSUBEL, Columbia University.

Students of Latin American politics will be gratified by the publication of George I. Blanksten's *Ecuador: Constitutions and Caudillos* (Berkeley and Los Angeles, University of California Press, 1951; xii, 196 pp. $3.00) not only for its thorough and systematic treatment of political power in Ecuador but also for its grasp of the social structure underlying the governmental organization. The author is a member of the political science faculty at Northwestern University and while associated with the Department of State traveled extensively in South America. It is indeed the best study of any length and

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in any language of Ecuador's constitutional and political problems. Furthermore, the author has provided a methodology which all students of comparative government will find valuable. Undeveloped areas like Ecuador are more susceptible to geographical and historical influences than industrialized states, and for that reason Blanksten's introductory chapters covering these aspects have particular significance. Subsequent analysis of parties and elections, the national administration, legislation, and judiciary is firmly based on Ecuadorean societal patterns where the " whites " which represent 20 per cent of the population dominate the remaining 80 per cent, and use the government, the church, the army and economic institutions as instruments of their control. The author indicates that the pattern of political instability, however, is derived less from these phenomena than from such other causes as the rivalries among the élite, the unrealistic distribution of power provided by Ecuador's fifteen constitutions, and the regional composition of political parties. The weak Ecuadorean legislature cannot implement the changing interests of the " whites " when confronted by a dominant executive, for indeed the processes of *caudillismo* lie at the heart of instability. For the present, orderly government in Ecuador awaits the reforms of the ruling class; the Indian masses are little affected by political institutions. In so far as provincial and local governments are creating an awareness among the Indians, however, the future may carry an additional and even more serious threat of rebellion from that quarter. Blanksten's analysis of Ecuadorean politics does not often proceed beyond 1948, and leaves the reader with the expectation that the Conservative party is in the ascendancy and that reform from above is less likely than the continuation of *caudillismo*. It is quite true that the Conservatives did win the November 1951 municipal elections. On the other hand President Galo Plaza Lasso's administration may have brought about necessary reforms and prove to be more than a constitutional interlude between *caudillos*. The author himself suggests that the Plaza régime could be expected to set the executive pattern under the 1946 constitution, and, should present plans for an orderly election materialize in 1952, Ecuador would witness not only a peaceful succession to the presidency but also the possible inauguration of a new era as significant for Ecuador as the turn of the present century proved to be for Uruguay. But Blanksten is supported by the weight of history, and any error in his analysis can be credited to an overemphasis of patterns of the past. If modern communications have already nationalized Ecuador's " whites ", political stability may be imminent.—MARTIN B. TRAVIS, JR., Duke University.

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Dr. Cosme de la Torriente is Cuba's outstanding authority on international law and has rendered much service to his native land during his more than four score years. He participated in the War for Independence, and since the establishment of the Republic he has been minister of Foreign Affairs under two presidents, chairman of the Committee on Foreign Affairs of the Senate for many years, delegate of Cuba to the League of Nations and president of its Fourth Session in 1923, minister to Spain and first ambassador to the United States. He was also president of the Cuban Society of International Law and of the War Relief Organization. In these latter capacities and as editor during recent years he has spoken often and written extensively on the subject of international relations. The Cuban Academy of History in *Por la Amistad Internacional, Escritos y Discursos* (Habana, El Siglo XX, 1951; xv, 455 pp.) has brought together in honor of Dr. Torriente a collection of his discourses and writings which serve to present his ideas and concepts regarding the many problems connected with the subject and in which much of his activity is revealed. He expresses his admiration for the United States and many of those who have contributed to her greatness, including Washington, Jefferson, Lincoln, McKinley, Wilson and Roosevelt. He repeats his appreciation for the share of the United States in the achievement of the independence of Cuba and favors the continuation of most friendly relations between the two countries. He was ever against the Platt Amendment and participated in the final abrogation of this arrangement. He was active in the solution of the problem of the ownership of the Isle of Pines. He frequently points out errors of Cuba in the conduct of her foreign relations and is critical at times of certain actions of the United States. Since the Dumbarton Oaks Conference he has dealt extensively with the problems and progress in the establishment and development of the United Nations. His basic thesis is that, rather than a new organization, the League of Nations should have been reorganized and given an effective life. He was opposed from the beginning to the idea of the veto on the part of the five Great Powers and has effectively presented his arguments and criticisms on repeated occasions. He is a proponent of the idea that there should be an equality among the large and small nations in any effective international organization. The volume serves to present the thinking and conclusions of a serious student regarding the present-day international tensions and situations and it is therefore a valuable contribution to the literature of the subject. By publishing the volume the Academy of History of Cuba has paid high tribute to Dr. Cosme de la Torriente, who, as Dr. Emeterio Santovenia, president

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of the Academy, says in the preface, " has labored persistently and diligently for progress in the ideas of international peace, justice and fraternity."—Roscoe R. Hill, Washington, D. C.

Students of Marxism will find in R. N. Carew Hunt's *The Theory and Practice of Communism* (New York, The Macmillan Company, 1951; viii, 232 pp. $3.00) a valuable history and critique of Marxist ideology and Soviet practice. The author makes his position clear at the outset: communism historically has been an ideal of social justice embraced by men when faced with intolerable inequalities deriving from private ownership of property; Karl Marx took this historical instinct and applied it to the new class of workers when groping for some justification of their position in society. While recognizing the valuable contributions made by Marx, particularly in calling attention to the economic factors in historical change, the author rejects everything distinctive in Marxism. He holds that: an economic interpretation of history is inevitably narrow; state intervention and developments within capitalism have led to a rising standard of living, and not increasing misery for workers; the state, therefore, has positive value and cannot be considered merely an instrument of the ruling class; and, furthermore, the revolutionary leaders will be more likely to constitute a new ruling class than preside over the withering away of the state. Mr. Hunt also challenges the contention of Marx that ethical standards are dictated by class interests. He objects that " to prefer proletarian morality because the victory of the proletariat is guaranteed by the dialectic is incompatible with any view of ethics, since a thing is not necessarily desirable because it is unavoidable " (p. 83). However, he is careful to point out that Marx shared many ideas with the nineteenth-century liberals, " and not least a belief in democracy " (p. 74). The dictatorship envisaged by Marx at least took the form of the democratic republic. It was Lenin, according to Mr. Hunt, who wished to carry out the revolution through a highly centralized and undemocratic party, and Stalin who maintained power by making the party even more autocratic and bureaucratic. Therefore, he concludes, the Soviet Union today has not introduced socialism; while its industries have been nationalized, the one-party dictatorship has only intensified the exploitation of the workers. The Russians have rather evolved a system of state capitalism and have thus shattered the hopes of all who remain true to the humane visions of the early Communist prophets. Why, the author asks, has the communist movement for the emancipation of the workers degenerated into the police state? Because, he contends, " the world cannot be ruled by logic alone, and

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no ideal end gives to any man (or group) absolute power over the lives of others" (p. 211). With this conclusion there can be no dissent. The experience of the Soviet Union teaches all not blinded by personal interest or passion that socialism (or any pattern of human betterment) cannot be meaningfully secured in the absence of democracy.—BERNARD E. BROWN, College of the City of New York.

The *Bibliography of British History: The Eighteenth Century, 1714-1789* (Oxford, Clarendon Press, New York, Oxford University Press, 1951; xxvi, 642 pp. £2 2s.; $8.50) is the third volume of British historical bibliography to be issued under the direction of the American Historical Association and the Royal Historical Society of Great Britain. Edited by an American historian and a British historian, Stanley Pargellis and D. J. Medley, it follows in general the format of its predecessors, Conyers Read's bibliography of the Tudor period and Godfrey Davies' of the Stuart period, but it is considerably longer than either of them. The immense labor which has gone to produce the volume began under the direction of Professor Medley seventeen years ago. It is estimated that the number of contemporary and modern works cited runs to more than 12,000. In a brief preface the editors explain some of the principles which have guided them in the selection of sources and works of secondary literature.—R. L. SCHUYLER, Columbia University.

The following volumes in COLUMBIA STUDIES IN HISTORY, ECONOMICS, AND PUBLIC LAW have recently been published or are in press.

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